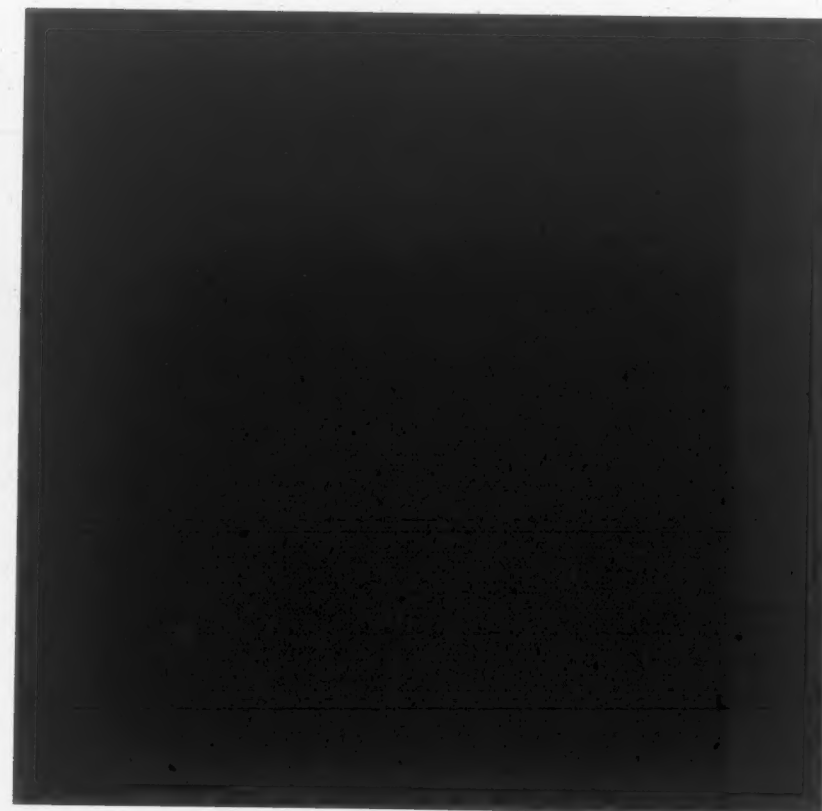
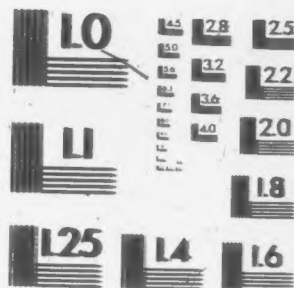
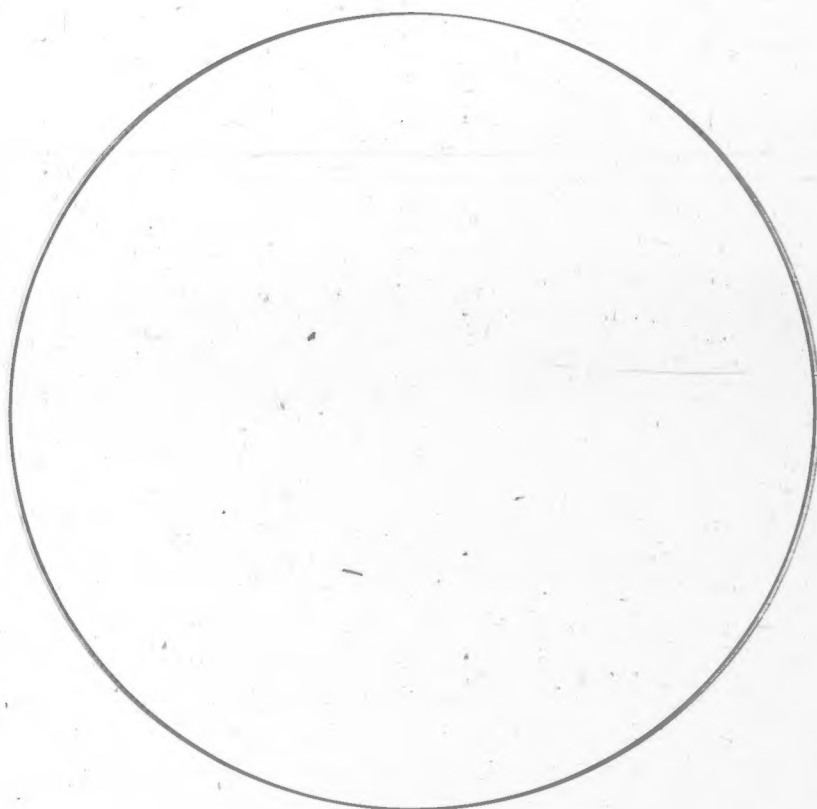
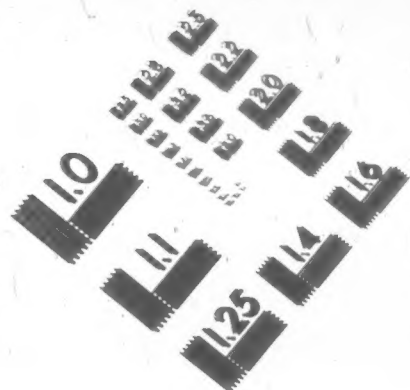
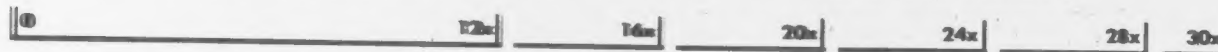




NATIONAL ARCHIVES CENTER  
FORT WORTH, TEXAS



SHOULD MEASURE .25" AT REDUCTION



MANUFACTURED BY  
PERFORMING SCIENCE CORPORATION  
7700 WILSON ROAD  
FREDERICK, MD 21704  
UNITED STATES OF AMERICA



**NATIONAL ARCHIVES MICROFILM PUBLICATIONS**

Microfilm Publication M1301

**APPLICATIONS FOR ENROLLMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES**

**1898 - 1914**

**ROLL 304**

**CHEROKEE ENROLLMENT 1842 - 1864**

**THE NATIONAL ARCHIVES  
NATIONAL ARCHIVES AND RECORDS SERVICE  
GENERAL SERVICES ADMINISTRATION**

**WASHINGTON: 1963**

Cher. F. R. - 812

Cher. F. R. - 812

Cherokee Freedman, D-

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 22d 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman: she being sworn by Commissioner C.R. Brackinridge, testified as follows:

- Q What is your name? A Elizabeth Meigs.
- Q How old are you? A I don't know my age.
- Q Now how old are you? A I was four years old when we came here with the old settlers.
- Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
- Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
- Q What is your post office? A Centralia.
- Q In what district do you live? A Goowassawee.
- Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
- Q Who do you want to have enrolled besides yourself? A My children.
- Q Have you any children under twenty-one years old? A No sir.
- Q They will have to apply for themselves then? A (No response)
- Q Have you a husband? A No sir he is dead.
- Q Then you only apply for yourself? A Yes sir.
- Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
- Q How long have you been called Meigs? A Ever since I was nothing but a girl.
- Q Were you married to a man named Meigs? A Peter Meigs.
- Q Is he dead? A Yes sir, five years ago in September.
- Q Was he a Cherokee Freedman? A Yes sir.
- Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
- Q To whom did you belong? A Reuben Daniel.
- The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.
- Q Are any of your family on that roll that you know of. A Yes, sir, Alice Sanders is on it, she is a daughter of mine, Alice is.
- The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:
- Page 125, No. 2853, Alice Sanders, Goowassawee district.
- The 1890 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.
- Q Did you draw your Cherokee strip money? A Yes sir.
- The Karna-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
- Page 100 No. 2512, Eliza Meigs, Goowassawee district.
- Q Did you ever go by the name of Daniel? A Yes sir then was my owners.
- The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
- Page 182, No. 40, Elizabeth Daniel.
- Note: Wife of Peter Meigs.
- Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
- Page 131, No. 2722, Elizabeth Meigs, Goowassawee district.
- Q Where were you during the civil war and they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
- Q When did you come back? A In the winter of '65.

Q What time in the winter? A Well it was in the winter.

Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.

Q When did he bring you down? A In the winter after he went from here on Big Creek.

Q He came ahead of you then? A Yes sir.

Q What time did he leave Kansas? A I cannot tell you when he first came.

Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '68.

Q Did he leave Kansas in the winter? A Yes sir.

Q Was he down here when Christmas came? A Yes sir.

Q Do you know how long it was before Christmas before he started to come here first? A No sir I don't.

Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.

Q How long after Christmas before you and he started down here together? A Directly after.

Q He spent Christmas that year in the Cherokee Nation by himself?

A Yes sir my husband did.

Q What members of your family came down with you and your husband?

A These children.

Q Did you bring your child Alice Sanders with you? A Yes sir.

Q All the children? A Yes sir.

Q Can you explain why you are not on the roll of 1880? A No sir.

Q Do you know why you are not on that roll? A No sir I don't know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.

Q Where were you living in Kansas then? A Fort Scott.

Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.

Q Was it as much as a couple or three weeks? A Yes sir I guess so.

Q And then you started down here? A Yes sir.

Q Was it in the spring of the year when you reached here? A No sir in the winter.

Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there warent no buds nor nothing on the trees, it was winter I tells you.

Q You all came in wagons did you? A Yes sir.

Q Who came with your husband down here when he first came? A Old man Mike Sanders.

Q Who else? A Reuben Sanders.

Q Who else? A Daniel Sanders.

Q Anyone else that you remember? A There was Little Sam Webber and old man Sam Webber.

Q Any other Webber's? A Aaron Webber.

Q Did anyone else come down? A I don't remember anyone else now.

Q Were you there when they started down? A We all come together I am telling you.

Q But I mean when your husband come on in advance of you. Who came with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.

Q You were at Fort Scott then? A Yes sir.

Q And they all started together? A Yes sir.

Q These that you have named are all the you can think of at the present time? A Yes sir.

Q Did they come in wagons or on horse back that time? A They come in wagons when they first come.



Q And after Christmas you all came down, did you? A Yes sir.

Q Did you come in wagons then? A Yes sir.

Q Did you come by a little place called Chetopa? A Yes sir.

Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.

Q And you are living there yet? A Yes sir, that old house was built in '86.

Q What house? A That one we is living in.

Q And you are living at the same old place? A Yes sir, in the same old house.

Q On what creek is that? A Big Creek.

Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.

Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.

Q Did you see anyone from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.

Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.

Q You all came back together? A Yes sir.

Q Now Auntie, did any additional people - any other families come down with you? A I don't know who all come down, I am just telling you what I know.

Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all come with you? A Yes sir.

Q Did Aaron Webber come? A Yes sir.

Q And your family? A Yes sir.

Q Are there any that I missed? A That is all that I gave you.

Q Is that all that come? A Aaron Wrig't come with us.

Q Who else? A (No response)

Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.

Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.

Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.

Q Who? A Lunie Riley was there on Verdigris, but now where he was living.

Q How far from where you settled? A I don't know how far.

Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.

Q Were they the closest residents to you at that time? A Yes sir.

Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

Q Any Osages? A No sir, never saw none.

Q You didn't see anybody on Big Creek, neither white or black, except those that come with you? A That is all.

Q And you have been there ever since? A Yes sir, ever since we moved there.

Q You say your husband Peter Weiss built a house there? A There is a log house there and he bought the house and we moved to it.

Q Who built the house if you knew? A Henry Harold.

Q Was he a colored man? A Yes sir.

Q Is he living? A I don't know if he is or not.

Q Some 3 or 4 years after you came down here your husband went to Tallahquah before the court, didn't he, to see about his citizenship? A Yes sir.

Q They didn't admit him then did they? A I don't know sir.

Q You know he was disputed? A I don't know nothing about it, I never paid any attention to any such things as that then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States Court or Commission? A I don't understand what you say.

Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.

Q I mean in Court? A That is what I am telling you.

Q You know what a court is don't you? A Yes sir.

Q What court do you know? A Kerns Clifton court.

Q Any other court that you know of? A I know of the Wallace court.

Q Any others? A No sir.

Q Did he ever have anything done about your case by the Cherokee Council? A I don't know what was done, my man went there every year or two but I don't know what was done there.

Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.

Q Have you any witnesses with you that you want to introduce?

A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Freckinridge, testified as follows on the part of the applicant.

(Examined by the Commission)

Q What is your name? A Ruben Sanders.

Q How old are you? A I suppose I am about 50.

Q What is your postoffice? A Can't tell.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Were you a slave in the Cherokee Nation when the civil war broke out? A Yes sir.

Q Who did you belong to? A James Sanders.

Q Were you taken to Kansas during the war? A Yes sir.

Q You have a wife named Alice have you? A Yes sir.

Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 175, No. 2857, Reuben Sanders, Goowascoowee district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.

Q What court? A The Chambers Court.

Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers court.

Q Where was it sitting? A At Tahlequah.

Q In what year was that? A I can't tell what year it was.

Q Your citizenship had been disputed had it? A Yes sir.

Q When was your right to citizenship first disputed? A It was during the time that Thompson Gochelita was chief.

Q Was that before the 1880 roll was made? A Yes sir.

Q Did the court decide in your favor? A Yes sir.

Q Was there any dispute made then about your being put on the 1880 roll? A No sir.

Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.

Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.

Q Where did they take your name? A I was in Goose-neck Bend, at the time.

Q Do you know the applicant Elizabeth Meigs? A Yes sir.

Q Your wife is her daughter? A Yes sir.

By W. F. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was?



- A Yes, sir.
- Q Did I go before the court at the same time? A No sir, I think not.
- Q His wife's citizenship was also disputed? A I judge so.
- Q Did she go down before that court? A Not to my knowledge.
- Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
- Q Was Bob Daniels Chief Justice of that court? A Yes sir.
- Q Just a few years after the war? A Yes sir.
- Q In '71 wasn't it? A Yes sir.
- Q Was any action taken in that court? A I don't know.
- Q You were there yourself? A No sir.
- Q You were about 15 or 16 years old when you come back? A Yes sir I guess so, I don't exactly know how old I was.
- Q You were not married then? A No sir.
- Q How long after you got back before you married? A Not very long after I got back.
- Q Did you marry on your way down here? A No sir.
- Q How long had you been here before you married? A I have been married twice.
- Q How long had you been here before you married the first time? A Not very long.
- Q As much as a year? A May be so.
- Q Is that your best judgment? A My best judgment is perhaps that it was that long.
- Q When were you married to your present wife? A Upwards of 30 years, or so.
- Q How long did you live with your first wife? A Not very long, she died.
- Q A Year? A Perhaps it was, maybe a little longer.
- Q Then you married your present wife? A Yes sir.
- Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
- Q The first time? A Yes sir.
- Q Who came with you? A Several were on horse-back; it is beyond my knowledge how many there were.
- Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
- Q Did you come in August? A Yes sir.
- Q Who came with you then? A Some of this family, Peter Meigs and got his place; the heads of these families.
- Q Who else came with you? A My brother Dan and the Whitmires.
- Q Which ones? A Several.
- Q Which ones? A Mose and Dennis, and the Webbers.
- Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I don't know who else, I don't know who all come.
- Q Who come when you come in October? A I don't know who all come then, some of that same crowd and some more come in October.
- Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
- Q What was his first name? A Old man Caesar Smith.
- Q You come in both of the detachments yourself? A No sir.
- Q Which one did you come in? A I come in August.
- Q You didn't come in October then? A Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
- Q On Big Creek? A Yes sir.
- Q Where Mrs. Meigs lives? A Yes sir.
- Q And you returned in October, how long did you stay in October?

A We didn't all return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.

Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.

Q What time in the winter? A Long in January.

Q You mean in '67. A No in the winter of '66.

Q Is you come here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of 66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.

Q What was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possibly can remember of who came with you in the January of February following?

A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.

Q I dont mean only of that family, there were other families were there not? A Old man Billie Porman.

Q Who else? A He had several children.

Q The heads of families I mean? A Fannie San'ers; I dont recollect them all; I dont know as I can call the names of all of them.

Q Were any of the Webbers along? A Yes sir.

Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I had forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.

Q Did his son Sam come? A Yes sir.

By W. W. Hastings:

Q Dont you remember anyone else? A Rachel Webber.

Q Do you think of anyone else? A No sir.

Q You know that is was a mooted question before the Kerns Clifton Commission as to whom came at this time and us to when you come? A I havent been interested as to anyone except for myself.

Q You know that there is a question about who came dont you? A Yes sir I guess I do.

Q You say you came to Big Creek? A Yes sir.

Q Did you come by the way of Chatopa? A Yes sir I guess that we did, I dont know that they called it Chatopa then, there was a house or so there.

Q Did you cross the river there? A What river.

Q Neosho? A No sir.

Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.

Q You came through what is Chatopa and come on west through the prairie? A We may have.

Q You were in wagons? A Yes sir.

Q Were there any persons living on any of that country from Chatopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of anyone living there before that.

Q Were there any houses there except those that your crowd built?

A I dont know of any houses, but there were foundations for them or Big Creek.

Q Then the houses were not built before you moved there with your

families? A Yes sir some were, there were logs on some up 8 or 10 logs high.

Q When there were none readily completed until you moved there with your families? A No sir.

Q Did you make a crop there the first year that you moved there?

A Yes sir, as near as we could with one horse plow and hoe.

Q Do you know Jim Martin? A Yes sir.

Q How far does he live from you now? A 4, 5 or 6 miles.

Q Was he living there when you people moved there? A No sir.

Q He had a brother named William Martin? A Yes sir.

Q Was he living out there then? A No sir.

Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we came there.

Q Was his name Dick Carter? A I think it was.

Q You say he lived some 20 miles from there? A Yes sir 20 miles below on the Verdigris river. He came some time after.

Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gilstrap ferry.

Q There was no farms made there when you passed through - no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you came to the Cherokee Nation after the Civil War closed was in August of '65?

A Yes sir.

Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.

Q You didn't bring your families with you then? A Only part of them and some things that we had.

A Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you?

A No sir.

Q Did Peter Meigs bring any family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Kansas? A I think with my father.

Q You came yourself in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q Then you returned to the Cherokee Nation again in October?

A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir not all of them came in October.

Q Where was Peter Meigs in October? A He came with us at each trip.

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October?

A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That was the second time that Peter Meigs had been here?

A Yes sir.

Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I don't exactly know where he was in Christmas of '66.

Q When Peter Meigs got back to the Cherokee Nation with his family



did he settle in the Cherokee Nation near your family? A Yes sir.

Q How far apart? A Two or three hundred yards apart.

Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.

Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.

Q You staid here then? A Yes sir.

Q When did you come? A In the winter.

Q Was it in February? A Must have been in December.

Q What about that February trup you spoke of? A It was in the winter some time. Snow was on the ground.

Q Did your father come at that trip? A Yes sir.

Q Your mother? A Yes sir.

Q Peter Meigs? A Yes sir.

Q His wife? A Yes sir.

Q That was your third trip? A Yes sir.

Q Was that your last trip? A Yes sir.

Q When did your wife Alice come? A Come then.

Q On that third trip? A Yes sir.

Q You say Peter Meigs made all three trips with you? A Yes sir.

Q Every time you came he came? A Yes sir.

Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.

Q Did he go there by himself? A No sir.

Q Do you remember distinctly that you came here in August the first time? A Yes sir.

Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.

Q Do you remember distinctly that he came with his family when you made your third and last trip? A Yes sir.

QQ With his family? A Yes sir.

By Com'r BDeckinridge: The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicates that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1886, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicates that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but as far as that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to take further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final

decision of the Commission will be made known to her at her postoffice address.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 28th of May, 1901, at Chelsea, I.T.

Signed, T. B. Needles,  
Commissioner.

Supplemental:

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman.

REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.

Q How old are you? A I am only about 50 past.

Q You gave testimony just now in the case of Elizabeth Meigs?

A Yes sir.

Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867, when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.

Q How did you find out now it was January instead of February?

A It was just after Christmas that we was on the road coming down.

Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas - a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following - a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.

Q Where did you say that killing took place? A In Texas.

Q Fort Scott? A Yes sir.

Q And the man that was accused of the killing was named what?

A Named Mackey.

Q You remember his first name? A No.

Q You remember the man who was killed, you got his first name?

A No sir I do not.

Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No, I don't know nothing about that part of it.

Q You know what county, Ft. Smith is in? A No sir.  
Q Who called your attention to this report? A I thought so myself; I called my own attention to it; I was studying over it; I did.  
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Commissioner. This statement will be filed as Supplement No. 1 to the Elizabeth Wedge case, to be considered in connection with the former statement of the witness, and the other evidence bearing on the date in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green;

Subscribed and sworn to before me this May 23, 1901.

Signed, C. R. Breckinridge,  
Commissioner.

-----  
Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 20th of August, 1901.



Commissioner.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I.T., June 30, 1901.

In the matter of the application of Sam Beck for the enrollment of himself, his wife and one child, as Cherokee Freedmen.

Sam Beck, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sam Beck.

Q Samuel Beck? A Yes, sir.

Q What is your age? A I can't tell exactly what my age is, as near as I can come, I guess it is about 52 or 53.

Q What is your post office? A Bartlesville.

Q What district do you live in? A Cooweescoowee.

Q Do you apply to be enrolled as a Cherokee Freedman?

A Yes, sir.

Q Who do you want to enroll besides yourself? A My wife and daughter.

Q What is your wife's name? A Mary Meigs, before I married her, she is Beck now.

Q How old is she? A I think when she enrolled on the Wallace roll, I think it was given in 45 or 55.

Q About how old is she now? A I should think she is something over 40 or maybe over.

Q What is the name of your child? A Luquittie Beck.

Q How old is sh? A She is going on 13.

Q Is your name on the roll of 1880? A Well sir, I can't tell whether it was or not, it ought to be, whether it is or not I don't know.

Q Is your wife's name on the roll of 1880? A No, sir.

Q Do you know whether you have ever been recognized by the Cherokee authorities as a Freedman? A Yes, I have never been disputed.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

Q Did you draw strip money? A I only drew the Wallace money and the Clifton money.

The Kern-Clifton roll examined, and the applicants identified thereon as follows:

Sam Beck on page 181, No. 4435, Cooweescoowee district.

Q Did you draw for your wife? A Yes sir, I drew for my wife and three children.

Mary Beck on page 100, No. 2513, Cooweescoowee district, as Mary Meigs;

Luquittie Beck on page 100, No. 2514, Cooweescoowee district, as Luquitty Beck.

The Wallace roll examined, and the applicant, Sam Beck, identified thereon, page 104, No. 2231, Cooweescoowee district.

Q Have you any witnesses? A Yes, sir.

Q Who are they? A Lewis Daniels and Luster Foreman.

The Wallace roll examined and the applicant, Mary Beck, identified thereon, page 182, No. 3359, district not given, as Mary Daniel (Alias Meigs.)

Q Why is your name not on the roll of 1880? A I can't tell you, I saw Mr. Benge and he told me he would see it was put on all right and that is the last I know of it.

Q Did you ever apply to the Cherokee authorities? A Only just going to the elections and calls and such like.

Q Were you ever a slave? A Yes, sir.

Q Who did you belong to? A I belonged to Joe Beck.

Q Was he a Cherokee citizen, an Indian was he? A He had a Cherokee wife I suppose, I don't know whether he was really or not.

Sam Beck - 2.

Q What was his wife's name? A Her name was Cynthia.

Q Was she a Cherokee? A Yes, sir, she was a Cherokee.

Q Did you go out of the Cherokee Nation during the war? A Yes sir, I went out with the soldiers.

Q Where did you go to? A I went south.

Q How far south? A I went out as far as Little Rock with them, I enlisted as a soldier, and went down as far as Little Rock.

Q What company were you in? A 3rd Kansas Battery.

Q Where were you discharged? A At Leavenworth.

Q Kansas? A Yes, sir, Leavenworth Kansas.

Q Have you got your discharge now? A I have got it at home, I didn't bring it with me.

Q When were you discharged? A I can't tell you, but I think it was in August.

Q What year? A I can't tell you what year, I am not educated and don't know anything about the dates.

Q When did you return to the Cherokee Nation? A I returned in '68. I came right on from Leavenworth to Fort Scott and came right on through, I think it was in either August or September, no not in August, I got there in August to Fort Scott, and I think I stayed there a couple of months probably before I came back, and my brother in law came up there, named Solomon Foster, and I came on down to Gibson with him.

Q You came down to Fort Gibson? A Yes, sir.

Q That is the first place you came after the war? A Yes, sir, and they all lived there, and the balance of my brothers and sisters.

Q What was your father's name? A Jim Beck.

Q Is he living? A No, sir, he is dead.

Q What was your mother's name? A She died before the war, her name was Lize.

Q Your father was at Fort Gibson when you came? A Yes, sir, never was out.

Q You been living in the Cherokee Nation ever since that? A Yes, sir.

Q Was your wife a slave? A Yes, sir.

Q Who did she belong to? A Well I really can't, to be true, I can't tell you, but I believe it was the Daniels.

Q Where did you marry her? A I married her on Lightning Creek.

Q In the Cherokee Nation? A Yes, sir.

Q That was after you came back? A Yes, sir.

Q Well, did she go out of the Nation during the war? A Yes, sir, I think she did, she came back with her father and mother.

Q When did you first see her after the war? A Well, after I had been to Gibson and came back up on Big Creek then I got acquainted with her.

Q What year was that, you recollect? A No, sir, I don't.

Q That the same year you came back? A No, sir, it was afterwards.

Q Well, do you know when she returned? A No, sir, I can't tell you.

Q She your first wife? A Yes, sir.

Q You her first husband; she ever married before she married you? A No, sir, not as I know of.

Q You and her been living together ever since then? A Yes, sir.

Q Living together now? A Yes, sir.

Q You own property in the Cherokee Nation? A Yes, sir.

Q You always have? A Yes, sir, always have.

By V.V. Hastings, Cherokee attorney: Your wife have any children when you married her? A Yes, sir, she had a boy.

Q What is that boy's name? A His name was Mitchell, but he is dead.

Sam Beck - 8.

Q You don't know whether she was ever married to Mitchell's father or not? A No, sir.

Q You didn't have any children when you married her that you recognized? A No, no sir.

Q Where was Joe Beck living before the war? A Well, I think they called it, as near as I can remember, I think it was in Going Snake, it was near Hilderbrand's Mill.

Q Did Joe Beck have any family besides a wife? A Yes, sir.

Q What are the names of the children? A I think the oldest one of the boys was named Head Beck, he was working in the mill then, I expect he is working in that mill to-day if he isn't dead.

Q Then you belonged to Head Beck's father and mother? A Yes, sir.

Q What kind of a house did Joe Beck live in? A He lived in a hewed log house.

Q Have a spring or a well? A Well.

Q Have a farm connected with his place? A Oh yes, he had a big farm, several farms connected with his place, some right there and some two or three miles off.

Q Your father and mother belonged to the same people? A Yes, sir.

Q Where did you join the army, you say, Little Rock? A No, I joined the army at Van Buren.

Commissioner: Van Buren, Arkansas? A Yes, sir.

Mr. Hastings: You remember what year you joined the army?

A No, sir.

Q You don't remember what year you were mustered out? A No, sir.

Q You don't remember what year you were married in? A My certificate can tell.

Q I say do you remember it? A No, sir, I can't tell.

Q You have a number of children, haven't you? A I haven't but one living.

Q You have had some that died? A Yes, sir.

Q What was the oldest child you had? A The oldest one was named Nancy Jane.

Q Do you know what year she was born? A No, sir, I can't tell.

Q What is the one living now? A Luquittie.

Q Is that the only name she goes by? A That is all, yes, sir.

Q How old is she? A Going on 15.

Q You remember what year she was born in? A No, sir, but then if it necessary I can show it, I have got the ages down.

Q Now with whom did you live at Fort Gibson? A I didn't live with anybody in particular, I lived with the soldiers mostly.

Q I mean after the war? A I didn't live with anybody after the war, I wasn't there but just in and out and I didn't live there in town at all.

Q Where did you live? A I worked around in the Nation.

Q For whom? A Well, I finally got a contract, one thing, after I got to Gibson a while, I got a contract for making ties for that railroad that runs through Vinita at that time.

Q How long had you been at Fort Gibson at that time? A I can't tell you how long, I hadn't been there long.

A A year? A No, sir, I never stayed there a year at one time.

Q I mean before you commenced making ties? A No, sir, I can't tell you, I don't think that it was really.

Q That was the railroad that ran through Vinita? A Yes, sir.

Q Well, had you done any work before you did that work that you remember of, here after you come back, after the war? In other words, was that about the first work you remember of doing?

A No, sir, I don't know as I did, only just little jobs around first one place and another, traveling about.

Q That is the first work you have any distinct recollection of doing to amount to anything? A Yes, sir, to amount to anything.

Q Where did you make those ties?

Sam Beck - A.

A I think it was over on Cabin Creek where I was making ties.

Q That was up near Vinita? A Yes, sir.

Q Did you go from Fort Gibson up there? A Yes, sir, I would go back to Fort Gibson to see my folks every once in a while.

~~XX~~

Q You went from Fort Gibson up there to make the ties? A Yes, sir, I camped up in these woods and stayed out there.

Q Before you began work you went from Fort Gibson up there?

A Yes, sir.

Q Before you commenced making them? A Yes, sir.

Q How long had you been at Fort Gibson after the war, is it your best judgment that you had been there, before you commenced making those ties, a year, or had you been there that long, or longer?

A Well, it seems to me, I will not be positive, it don't seem to me I was there over a year.

Q Your father and mother were living down there? A No, sir, my mother died before the war, my father was living there then.

Q With whom did he live? A Just him and his family.

Q Did he have another wife and those children? A Yes, sir, he had another wife.

Q Where was he living? A He was living on a branch they call Four Mile Branch.

Q That was out from Fort Gibson? A Yes, sir.

Q How far from town? A I don't suppose, it might have been maybe a couple of maybe three miles, I don't know whether it was that far or not.

Q Did he have a place out there? A Yes, sir.

Q How long did you stay with him at any one time? A Well, after the war, I never stayed with him, I don't know, altogether, to say stayed right at him, more than a week at a time, at one time.

Q Well, now after you quit making ties, then where did you go?

A Well, they gave me a contract of getting out some bridge timber.

Q I mean after the railroad ran through there, what did you do?

A I went back on Big Creek.

Q That is when you first met your wife? A Yes, sir.

Q You never had seen her before that? A No, sir, I hadn't got acquainted with her.

Q Did you marry along about that time? A No, sir, I married, it was a good while after that.

Q Did you ever go back to Kansas after you were down here?

A No, sir, never went up there to live.

Q Did you ever go back up there at all to work? A No, sir, only up here on the line to Coffeyville, that is here in the last few years, back and forward, and stay maybe two or three days and a night.

Q Never lived up there any length of time? A No, sir.

Q Where are you living now? A Near Bartlesville.

Q How long have you lived there? A About 18 or 20 years, well I made me a place directly after I was married, made it a few weeks before I was married and married and went and moved right in it.

Q 18 or 20 years? A Yes, sir.

Q Did you ever see L. B. Daniels before the war? A Yes, sir.

Q Where did he live? A You mean before the war?

A Yes? A No, sir, never saw him before the war, it was the time I was in Fort Gibson.

Q That was after the war? A Yes, sir.

Q You never saw him before the war? A No, sir.

Q What were you doing when you saw L. B. Daniels in Fort Gibson after the war? A I was wasn't doing anything, I was just stopping around down there, I would work a while over there at my mill, with this man and Brown, who was running a boarding house, and there is



Sam Beck - 8.

where I stopped mostly, at her boarding house, Aunt Cindy.

Q Aunt Cindy what? A She was married too, I just called his name a few minutes ago, I called his name that she was married to him then, Irvin.

Q He was a stranger to you at that time? A Who was?

A L. D. Daniels? A Yes, sir, but he mighty quick got acquainted with me, because he came to see my other brothers and sisters, and then you know I got acquainted with him, he was at my father's place once in a while.

Q That was before or after you went to work making ties? A That was during the time I would be going backwards and forwards.

Q That was the time when you saw him, when you were making ties up there, you were going backwards and forwards? A No, sir, I saw him directly after I returned with Foster to Gibson.

Q How long was that before you were making ties? A Well, I don't remember just how long it was, when I went to making ties, after I saw him at Fort Gibson.

Q You didn't stay in Fort Gibson very long, did you? A Never stayed in Fort Gibson, I wasn't never altogether at one time a month, no, sir.

Q Well, your father was living out from Fort Gibson at the time you were staying at Fort Gibson? A Yes, sir, living out on Four Mile Branch.

Q There was that boarding house at, what part of town, that you met L. D. Daniels? A That was in the southwest part of town, down in a kind of a bottom or flat, where she had her boarding house.

A What was L. D. Daniels doing there, do you know? A No, sir, I hardly ever saw him doing anything that I know of.

Commissioner: You say you came to Fort Gibson in '68? A Yes, sir.

Q How long was that after you came back from Fort Gibson that you commenced cutting ties? A I can't tell exactly how long it was, I don't think it was very long, as near as I can remember things.

Q I think you answered Mr. Hastings that it was about a year? A No I told him I didn't know whether it was a year or less than a year, I can't tell exactly.

Q You know it wasn't more than a year after you came in to Fort Gibson from the time you came from Kansas, the first time you came to Fort Gibson, you don't think it was more than a year before you commenced making ties for the M.K. & T. railroad? A I don't think it was, if my memory is right, I don't think it was.

Q Was that after you got to making time there that you got acquainted with your wife? A Yes, sir.

Q You don't recollect what year the M.K. & T. railroad was built, do you? A No, sir, I can't tell you.

L. B. Daniels, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A L. D. Daniels.

Q What is your age? A 55.

Q Your post office? A Claremore.

Q Are you a recognized freedman of the Cherokee Nation? A Yes, sir.

Q Do you know the applicant, Samuel Beck? A Yes, sir.

Q How long have you known him? A I have been knowing him about 22 years.

A Did you know him before the war between the north and south?

A No, sir, I know his father and mother there at Gibson.

Q His father and mother slaves? A I saw them that they were, they told me they were.

Q Do you know whether Samuel Beck went out of the Cherokee Nation during the war or before? A Yes, sir.

Q How do you know he went out? A I know it because I seen him

Sam Beck - 6-

with the regiment down there to Fort Smith.

Q Was he a soldier? A I think he was, there was a regiment camped there and he was in that regiment.

Q Well, do you know when he returned to the Cherokee Nation?

A Yes, sir, I do.

Q When? A He was there in '66.

Q Did you see him here in '66? A Yes, sir.

Q Did you know him? A I knew him, been knowing him ever since.

Q You knew his father and mother, did you? A Yes, sir.

Q Was he living with his father and mother when you first knew him? A Yes, sir, he was there at Fort Gibson, they were living about a mile and a half, I guess, from Fort Gibson.

Q You know his wife, Mary Meigs? A Mary Meigs? yes, sir.

Q Was she a slave? A Well, I suppose she was, I don't know that of my own personal knowledge, I have been acquainted with Mary for 25 years.

Q Do you know where Mary was in the year 1866? A No, sir.

Q The first time you knew her then was after that? A Yes, sir, I moved up here in '75 and I found her here on Big Creek with old man Sam Meigs, his daughter.

Q Do you know what Samuel Beck followed after the war when you first saw him in '66? A Yes, sir, he and him cut cord wood for a white man by the name of Madden, at Fort Gibson.

Q This Sam? A (Prompted by applicant) Well, Nels.

Q You never cut cord wood with Sam? A No, sir, that is the one that went to the army what I found in Fort Smith.

Q You know then what Sam done after the war, what work? A He just done like the other free darkies in Gibson, worked one day and walked around two or three, he stayed around Gibson during a good while.

Q You don't know where he went to after he left Gibson? A He stayed there, I don't know but what I moved up here before Sam left Gibson, I am not sure about that, he might have moved up here after I did, I moved up here in this district in '75, and I found this fellow here in the spring or summer here at his sister's.

Q You are certain you saw him at Fort Gibson in '66? A Yes, sir.

Mr. Hastings: What time of the year was it? A In the fall.

Q You saw all of them in the spring? A No, I saw some in the fall and some in the spring and some in the winter.

Q You saw him in the fall now? A Yes, sir, that is according to my knowledge and I believe my knowledge is right.

Q Of '66? A Yes, sir.

Q Where was his father and mother living at that time? A When he came, they were living out about a mile and a half, probably half a mile or a mile from the cemetery.

Q What was his father's name? A Jim Beck.

Q What was his mother's name? A I can't think of his mother's name now, I know the old lady good as anybody.

Q Then were living out there then? A Yes, I seen them before that.

Q That was this man's father and mother? A That is what I called them to be, they were all Becks, there were a good many Becks there, Sam Beck and Jim Beck's wife, I always taken him to be the father of all the boys.

Q There were a number of the boys, were there? A Yes, sir, there was plenty of them.

Q Where did you see this boy, in town or out at his father's?

A I seen him right in town and several places, in town and out to the old man's and around there toasters.

Q You don't remember what he was following about? A No, sir, I seen him at his sister's.

A You don't know what he was following? A As I told you a while ago, he followed the work that other free negroes around there did, worked one day and walked around the other.



Sam Beck - 7.

Q You saw him, you say, according to your recollection, up to about a year before you left in '74? A He might have left before I did and I might have left before he did.

Q You saw him around in Fort Gibson six or eight years?

A I didn't say that, I left there in '75, I didn't follow him up all the time.

Q That would be nine years? A Yes, I left Fort Gibson in '75, the 4th of December, and moved up on Verdigris, got there on the 11th day where I stopped, and I am satisfied I seen this man in person before I moved from there and been seeing him frequently.

Q Was he right around down there during the time you first saw him after the war up to the time you moved? A No, I seen him once or twice I believe in Muskogee.

Q In Muskogee? A Yes.

Q But what I am trying to get you to confine yourself to, is how often you saw him around Fort Gibson in the mean time? A I seen him there several times, there is no man can say to be positive, and say I saw him six times or seven times 36 years ago.

Q You are positive though about when you first saw him? A I saw him there in '66, yes sir.

Q Yet you never had seen him before the war? A No.

Q Yet you are positive you saw him there then? A Yes, I am, because he was a Beck like the others was.

Q Wasn't there a great many Becks there? A Yes, sir.

Q Why can't you follow his ~~habits~~ whereabouts for the next succeeding five years; if you saw him in '66 and '7 and '8, why can't you testify you saw him all those years? A I didn't say I saw him all of them times, I saw him here in '66, and I actually believe I seen him there other times after that, I know I did, but every time to say the time when and say when that was, I am not going to do it because I can't be positive.

Q You had him cutting cord wood with you a while ago? A That was his brother.

Q He corrected you? A Yes, sir, he said that was Sam, and I don't believe you will know them apart if you look at them good.

Q You don't know who he was living with in Fort Gibson? A No, sir, the negroes just lived with anybody while we could get work, we were drawing rations.

Q Your recollection isn't good about who he stayed with?

A Yes it is, he stayed around town there with me, and we stayed with anybody we wanted to.

Q Do you know anybody? A No; he stayed with L. D. a while.

Q How long did he stay there? A He stayed one night, and then we would fix tricks and go off.

Q What house did you stay at? A Bill Smith.

Q Just one night? A No, several nights.

Q How long did you stay there altogether? A I stayed there sometimes one night and sometimes maybe it would be three or four days before we would stay there together again.

Q You stayed one night together? A Yes, sir, and was a good deal together.

Q Did you work with him? A I wasn't known to work when I could get along without work.

Q Did he ever work with you in anything? A I don't know ~~what~~ but what he did.

Q Are you positive about it? A I am not positive, I believe he did, because lots of them darkies worked with me.

Commissioner: What circumstance makes you know that you saw him back in '66? A Well because that I was there and his father and mother came there and drew rations, and I had to find out how many was in the family before over I could give them rations.

Q Were you issuing rations? A I was issuing rations right then.

Sam Beck - 8.

Q What year did you issue ration? A From October, '65 to October, '67, and that is why I had to know how many was in the family.

Mr. Hastings: Have you got any record or memorandum of all these people? A I did.

Q Have you got it put with you? A No, I wish I had, I could make forty thousand dollars if I could get it now.

Luster Foreman, being duly sworn and examined by Commissioner Hastings, testified as follows:

Q What is your name? A Luster Foreman.

Q What is your age? A About 55 or 60.

Q What is your post office address? A Whites.

Q You are a Cherokee Freedman? A Yes, sir.

Q Your name on the roll of 1867? A Yes, sir.

Q You know the applicant, Samuel Beck? A Yes, sir.

Q How long have you known him? A Been knowing him ever since the war, about '65.

Q Was he a slave? A I don't know that.

Q Do you know his father? A Yes, sir.

Q What was his father's name? A Jim Beck.

Q What was his mother's name? A I don't know.

Q Did you know Sam Beck here before the war between the United States and the Southern Confederacy? A No, sir, I just got acquainted with him in '65.

Q When did you first see Sam Beck after the war? A I saw him along about '65.

Q Where? A At Fort Gibson.

Q You in Fort Gibson in '65? A Been raised there all my life.

Q You saw Sam Beck there in '65? A Yes, sir.

Q Have you been acquainted with him since that time? A I saw him off and on ever since.

Q Always been in the Cherokee Nation since you seen him? A Every time I saw him he was in the Cherokee Nation.

Q You know his wife Mary? A No, sir.

Q Don't know anything about her then? A No, sir.

Q Know whether Sam went out of the Cherokee Nation during the war?

A Yes, sir.

Mr. Hastings: Luster, you never knew him before the war?

A No, sir.

Q Were you married in '65? A No, sir.

Q Single fellow? A Yes, sir.

Q What were you doing in that year? A Done very little.

Q Saw a good many people? A I saw everybody coming to Fort Gibson.

Q Saw them for two or three years afterwards? A Yes, sir, well when that I know.

Q Where were you living down there then? A I didn't have any stationary home, but I lived with my mother and stepfather, living right close to Sam Thornton.

Q Where had this fellow living when you first saw him? A His father was living over back of the Garrison, Uncle Jim.

Q In town? A I don't know, it was kind of near there.

Q How far from the Garrison? A About a mile or two miles.

Q Did you see this boy so there? A I seen him there with his father, that is his father told me it was his boy.

Q What his name? A Sam.

Q How often did you see him out there? A I saw him often, every time they would have a dance, that had that every other night.

Q He stayed out there? A I don't know as he stayed out there, he come home to his father, and I saw him often and on.

Sam Beck - 9.

Q Now Luster, that is 35 years ago, isn't it? A Yes, sir.

Q Now what makes you know it was in '66 and not '67 or '68, are you positive? A I know it wasn't in '67, I married in '67 when the cholera was there, and I know what I done in '66 because I helped arrest several parties that year.

Q You didn't arrest this man? A No, sir.

Q You didn't marry this man? A No, sir.

Q Now what has your marrying or your arresting people got to do with this man coming back? A It shows the dates and times, that I am not ignorant of the time of '66.

Q How much has he agreed to give you to testify for him? A He hasn't agreed to give me nothing.

Q He hasn't give you anything? A No, sir.

Q Did you ever see him living in town any? A No, sir, no more than living with his people, and his father; I am this way: all the citizens that ought to have a right I will contend for them and them that don't, I am fighting as hard as you are.

Q You never saw him in town living in Fort Gibson? A I seen him with his father is all I can say, that is with his folks.

Q Was that in the spring or summer or winter? A I think it was along in the latter part of the spring when I see him.

Q Of '66? A Yes, sir.

Q That was out at his father's; you never saw him work in town any? A No, I never seen him work, I saw him with his brother in and out like all the young folks would be.

Q When did you leave down there? A Been in Gibson all my life.

Q How long did he stay around in Gibson? A He wasn't there when I moved out.

Q When did you move out? A I moved out in 1899.

Q Now how long before you moved out till you missed him down there? A He had gone way before I moved out of there.

Q Now about how long after you first saw him there after the war until you missed him from down in that section of the country?

A I disremember.

Q Did you see him there two year? A I seen him off and on, I don't know just exactly how long he did stay.

Q In fact, there is not a thing you can remember except the date of your first meeting him? A I can remember that and I can remember other dates, we met at parties, and log rollings and dances and other things like a young man would do.

Q Through about how many years after the war? A I didn't keep any time of the dates while he was there, but still I know what I have done in those times, and each year what takes place, but just how long he stayed in Fort Gibson I can't tell to save my life.

Q You are unwilling to state whether he stayed there one year or ten years after the war, are you? A I disremember, because I didn't pay so much attention to it about how long he stayed, I know I had seen him there and been with him, in his company, lots of times, we would get on a drunk, and he would be with us, him and Mels.

Q If you were so familiar, it seems like you would know something about how long he stayed? A He was there in and out, and visiting, I don't know anything about that.

Samuel Beck, recalled, testified as follows:

Commissioner: Those the only witnesses you got? A That is all.

Q You got any witnesses know anything about your wife? A No, her brother was to be here. Her mother has been enrolled here, and she said she had it fixed so she could come in.

Q What is her other name? A Mary Meigs.

Q When were you married to Mary Meigs? A I can't tell, I can show you the certificate though.

Q Have you got it with you? A Yes, sir. (Laid certificate on table)



Sam Beck - 10.

paper.)

Commissioner: Applicant presents a certificate of marriage, certifying that he was married to one Mary Meigs in the Cherokee Nation, on the first day of October, 1878. Said marriage was performed by Rev. William Allen, Pastor of Big Creek Baptist Church.

Q You have lived with her continuously since you married her?  
A Yes, sir.

Commissioner: Samuel Beck applies for the enrollment of himself and his wife Mary. He cannot be identified upon the authenticated roll of 1880, but he is duly identified upon the Kern-clifton and the Wallace rolls. His wife, Mary, nee Meigs, is also duly identified upon the Kern-clifton and Wallace rolls. He avers that he was the slave of Joseph Beck, that he was a United States soldier and returned to the Cherokee Nation in the year 1868. He makes satisfactory proof as to his marriage to one Mary Meigs in the year 1878. He avers that Mary Meigs is the daughter of Elizabeth Meigs, and Elizabeth Meigs is listed for enrollment on D card 381, and the testimony taken in the matter of the enrollment of the said Elizabeth Meigs will be made part of the record in the case at bar, and a copy thereof filed herewith as to the citizenship of the said Mary Meigs. For particulars as to citizenship of the said Samuel Beck, reference is made to the testimony. Said Samuel Beck and Mary Meigs will now be listed for enrollment as Cherokee Freedmen upon a dob roll card. Said Samuel Meigs Beck will be notified by mail of the decision of the Commission in the premises when arrived at.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

*Bruce C. Jones*

Sworn to and subscribed before me this the 27th of June, 1901.

*[Signature]*

Commissioner.

File with Cherokee Freedman D-775, Samuel Beck.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 18, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;

J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Ninth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows:

Q. Davenport: What is your name? A. Robert Meigs.

Q. Where do you live? A. I live five miles southwest of Tahlequah.

Q. What is your postoffice? A. Park Hill is my postoffice.

Q. How old are you? A. I am 56 my next birthday.

Q. How long have you lived in the Cherokee Nation? A. I have lived here all my life except a little while time of the war, from '64 to '66.

Q. Did your people own any slaves before the war? A. Yes, sir.

Q. Do you know whether they owned a woman by the name of Elizabeth?

A. No, sir.

Q. Do you know whether or not they owned her mother, or anybody of the family? A. Elizabeth, no, sir.

Q. Well, did you know Peter Meigs? A. Yes, sir.

Q. Do you know what his wife's name was when the war broke out?

A. Betsey they called her.

Q. Well, was she living, Betsey, at the time the war broke out?

A. Yes, sir.

Q. Well, did you ever know her by any other name than Betsey?

A. Bettie.

Q. Where was Peter Meigs and his family at the breaking out of the war? A. Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.

Q. Well I wish you would look at that woman there and see if she is the woman you knew as Betsey or Bettie or whatever you know her by (indicating applicant). A. Yes, I think that is the one, I have never seen her but once.

Q. That is since the war? A. I just saw her once in my life and that was time of the war, after the war.

Q. Did you ever see Peter Meigs and his family after the war? A. Yes, sir, saw Uncle Peter.

Q. What year was that? A. Sometime after '71.

Q. What were the circumstances as to your seeing him or meeting him? A. My he had come down to Pocomul to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q. Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A. Yes, sir.

2 -  
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late; is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas? A He made the first trip? A He didn't state, I believe he gave me the date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones  
Sworn to and subscribed before me this the 7th of November, 1901.



Commissioner.



File with Cherokee Freedman

D-775, Samuel Beck.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for  
enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:

L. T. Brown, agent for applicants;

L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testifies as follows:

By L. T. Brown: State your name? A Daniel Sanders.

Q What is your age? A About 59.

Q What is your postoffice address? A Centralia.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1880?

A I think it does.

Q You know Elizabeth Meigs and George Meigs? A Yes, sir.

Q What relation is George Meigs to Elizabeth Meigs? A Her son.

Q Did you know Peter Meigs during his life time? A Yes, sir.

Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.

Q When did they return to the Cherokee Nation? A They came in '66.

Q With whom did they return? A They came with me and my father and the Webbers.

Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.

Q What time of the year? A First of December.

Q That was the first time? A Yes, sir.

Q When did you make your second trip? A Along in first part of January.

Q That was January, 1867? A Yes, sir..

Q Now which one of these trips was it that Peter and his family came with you? A They came both times.

Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.

Q Peter came with you alone the first time? A Yes, sir.

Q Then the second time he brought his family? A Yes, sir.

Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.

Q Then was his children? A Then was his children.

Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

\*\*\*\*\*  
BRUCE C. JONES, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 7th of November, 1901.

*Bruce C. Jones*  
Commissioner

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
SAMUEL BECK as a Cherokee freedman; introduced on part of the  
Cherokee Nation:

Appearances:

L. T. Brown, Vinita, I.T., Agent for Applicant;  
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on  
part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A L. B. Bell.

Q Where do you live, Mr. Bell? A Vinita, Indian Territory.

Q How long have you lived in and near Vinita? A Oh, since,  
'67, including most of '67.

Q Was there any railroad running in or through Vinita when you  
first moved into that community? A No, sir.

Q When did the railroad first come through that country, Mr. Bell?

A In 1871.

Q You know this applicant, Sam Beck? A No, I don't know him.

Q Don't know anything about him? A No, sir.

Q Was you living in that country before the railroad started from  
Kansas through the Indian Territory; that is the M. K. & T?  
A Well, I will tell you what I knew about the railroad: The  
railroad came through the country in 1870, and on the application of  
the Cherokee Nation, a complaint to the Secretary of the Interior,  
they stopped building and during the session after 1870 of the  
National Council of the Cherokee Nation, they passed an Act there,  
it is dated the 14th of December, 1870, authorizing the furnishing  
of cross-ties to the railroad, and agreeing that the railroad could  
go through. The Secretary hadn't determined which had the right-of-  
way. They had begun it in 1870 and the M. K. & T got the right-of-  
way, and then they authorized the selling of cross-ties, and I went  
to Chetopa and made a contract with the Company for cross-ties  
enough to build from the Kansas line to Pryor Creek and sublet it.  
Mr. Martin was one I sublet to, that was in 1870 that contract was  
made, I don't recollect the exact date. Well, just a few days  
following that we began getting cross-ties and then worked on down  
to the Creek Nation. That was the first railroad built in the coun-  
try and first cross-ties was cut on the railroad in this country.

Q You don't know anything about the wife of Beck or anything about  
them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on  
part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A C. D. Markham.

Q Where do you live? A At Tahlequah.

Q How long have you lived in the Cherokee Nation?

A I was born and raised here; never was out except during the war.

Q Where did you live before moving to Tahlequah? A Lived on Gran  
river east of Cheuteau about ten miles.

Q Do you know Samuel Beck, the applicant in this case, or his  
family? A No, sir.

Q Where were you living along the latter part of the sixties or

early part of the seventies? A On the Grand river.  
Q Do you know about the year the M. K. & T. railroad built from  
Chetopa, Kansas, down through the Territory? A It must have  
been the latter part of '71 or '2.  
Q Had you any connection with it any way that makes you remember  
it? A Yes, sir, I had a contract on the road, beginning at Bry-  
ant's lake, down this way.  
Q And that was in what years it built down there? A The ties  
was put in there in the spring, latter part; it was in the spring  
of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't/  
Q You don't know to whom he belonged before the war or when he  
returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and  
made a part of the record in Cherokee Freedman case No. B.391.

---00000000---

J. O. Rossen, being first duly sworn, states that as stenog-  
rapher to the Commission to the Five Civilized Tribes he correctly  
recorded the testimony and proceedings in this case, and that the  
 foregoing is a true and complete transcript of his stenographic  
notes thereof.

*J. O. Rossen*

Subscribed and sworn to before me this February 27, 1902.

*[Signature]*

Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., March 3, 1908.

**SUPPLEMENTAL** in the matter of the enrollment of **SAMUEL BECK**,  
**ET AL.**, as Cherokee Freedmen, introduced on part of applicant:

**Appearances:**

L. T. Brown, Agent for applicants;  
Mr. Hastings, Cherokee Representative.

**SAMUEL BECK**, the applicant, sworn and examined, testified as follows: **BY MR. BROWN:**

- Q State your name? A Samuel Beck.  
Q What is your post office address? A Bartlesville.  
Q Are you the applicant in this case? A Yes, sir.  
Q Were you a soldier in the Civil war? A Yes, sir; I was.  
Q When were you discharged? A Well, I don't know exactly myself when I was discharged.  
Q How long was it from the time you were discharged until you returned to the Cherokee Nation? A Well, I came right on there when I was discharged, back to the Nation.  
Q Well, now, was it in the same year? A Yes, sir, same year.  
Q How long did you continue to remain in the Cherokee Nation before you went out of the Cherokee Nation again after you first returned in the year you were discharged? A I was in the Nation I guess off and on about a couple of years, as near as I could remember.  
Q Then when you went away how long did you stay? A I guess between four, six months, somewhere along there.  
Q And have you lived in the Cherokee Nation ever since then?  
A Yes, sir.  
Q Is this your discharge (paper shown witness)? A Yes, sir.

Commission: There is offered in evidence by the Agent of the applicant a certificate of service showing that Samuel Beck was discharged on the 11th day of August, 1865, from Beck of the Second Battery Kansas Artillery.

**MR. HASTINGS:**

- Q You were discharged at Fort Leavenworth, Kansas? A Yes, sir.  
Q Do you know whether it was in April or May or December?  
A It was if I can remember it was in August.  
Q You just now hear it read didn't you? A ? A No, sir, I know it was in August because my discharge paper, I was packing it in my pocket loose and it was so warm that weather that I got it all torn up.  
Q Where did you come to in the Cherokee Nation? A I came to my father's, Fort Gibson.  
Q Did you make a crop there? A No, sir.  
Q What did you do? A I didn't do much of anything at those times, run around.  
Q When you went back to Kansas where did you go?  
A I went to Scott.  
Q Fort Scott? A Yes, sir.  
Q Did you marry up there? A No, sir.  
Q Where did you marry? A Married at Lightning Creek.  
Q Well, when you next came back from Fort Scott, where did you come?  
A I came back to Gibson, part of the time.  
Q Well when you first came back that second trip? A Came back to Gibson.



Q Straight to Gibson? A Yes, sir.  
Q Who with? A No, with a man called Foster.  
Q What is his name? A Solomon.  
Q In a wagon? A In a hack.  
Q Where did you leave the train? A Wasn't any train.  
Q Who did you live with there at Fort Gibson?  
A Didn't live with anybody particular, I first stayed with my father  
and my Aunt Cindy.  
Q MR. BROWN:  
Q Is your father living or dead? A Dead.

LUFY NEGK, being duly sworn, testified as follows on part of applicants:

MR. BROWN:

Q State your name? A Lucy Beck or Lucy Hill, my husband's name was Hill, Beck was my father's name and my owners' name.  
Q What is your age? A I don't know just how old I am, I guess my about 80 odd years, I was born before the war.  
Q What is your post office address? A Nowata.  
Q Do you know the applicant, Samuel Beck? A Yes, sir, my brother.  
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, I guess I am.  
Q Is your name upon the authenticated roll of 1880,  
A Yes, sir, it ought to be.  
Q To whom did Samuel Beck belong at the beginning of the war?  
A Joe Beck.  
Q Did you go out of the country during the war? A Yes, sir.  
Q Where? A Texas.  
Q When did you return to the Cherokee Nation after the war?  
A In '66. With Johnson Thompson, Gus Buffington, Jerry Fields and Bill Beck and I could not tell who.  
Q How soon after your return in '66 was it that you saw your brother, Samuel Beck? A Just right here after I got to Gibson.  
Q You mean Fort Gibson? A Yes, sir, Fort Gibson.  
Q You saw him during that year did you? A Yes, sir, seen him the day we got there at Grand river, my father and all of them was there.

MR. HASTINGS:

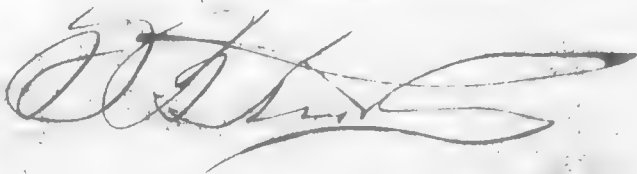
Q. What time did you get back? A. Fort Gibson.  
Q. Year? A. In '66.  
Q. In April? A. No, sir, it was in the summer.  
Q. Summer? A. Yes, sir, summer of '66. When I came from Texas.  
Q. What year is this? A. I don't know, sir, I can't read or write.  
Q. What year did they make this last payment? A. This dinner pay-  
ment?  
Q. Yes? A. I don't know.  
Q. What year did Wallace pay out the money? A. I don't know what  
year that was either.  
Q. What year were you married? A. I don't know what year that  
was; I never kept an account.  
Q. Do you know any year when any one of your children was born?  
A. Yes, sir, I know when all of them was born.  
Q. What year was any one of your children born? A. I don't know,  
I can't read or write.  
Q. You don't know anything about years? A. No, sir.

MR. BROWN:

Q You are on the 1940 roll? A Yes, sir.

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this March 5, 1908.

A large, stylized handwritten signature, likely of the Commissioner, written in dark ink. The signature is fluid and cursive, with a prominent initial 'J' and a long, sweeping tail.

Commissioner.

To be filed with F. D. 775.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. May, 13, 1902.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.  
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

- MR. HASTINGS: What is your name? A Mrs. Lydia Barton.  
Q What is your postoffice? A Fort Scott, Kansas.  
Q Do you hold any official position at the present time? A Yes, sir.  
Q What is it? A County Clerk.  
Q Of the county in which Fort Scott is located? A Yes, sir.  
Q Have you an official paper? A Yes, sir.  
Q What is it? A Our official paper at the present time is the Republican but that changes you know from time to time.  
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.  
Q What was it? A The Fort Scott Monitor.  
Q Are you required to keep files of this paper in your office? A We are.  
Q Have you a file of the official paper including December 22, 1866, up to and including March of 1867? A Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 20, 1866, found on the second column of the editorial page, headed "Another Murder."

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.

Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 22nd inst., after dark, Mr. Dyer Hayford, of this city, was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey for the reason that the news spread through the city, the excitement was great, and many threats of lynching Mackey were made, but and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Maygrave was called on to hold an inquest. A jury was empanelled, consisting of Messrs. Joseph Ray, Frank Clough, Porter Willers, John Warden, and Phillips. The body of Mr. Hayford having been removed to his residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given by the jury.

Mrs. J. S. Redfield and B. F. Meyler had a post-mortem examination, and testified that they found four distinct gunshot wounds on the body and face of Dyer Hayford, three of which were fatal. One shot entered the region of the stomach, and came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. The other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonso Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right and left; I inquired if he had seen a steer with a rope on his back; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had given him the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.



Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westley Bickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Ezer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Margrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

#### "A Chapter of Horrors.

##### Murderer of Hayford Captured and Hung.

##### Tragic events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Mefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated. The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetery where it was interred.

#### Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

Q. **THE HASTINGS:** What's your name? A. Benjamin Files.

Q. What is your postoffice? A. Fort Scott.

Q. Kansas? A. Kansas, yes, sir.

Q. Were you living there at the close of the war? A. Yes, sir.

Q. Were you living there in '66, December? A. I have lived there ever since '62.

Q. Did you know Dyer Hayford? A. Yes, sir.

Q. Had you known him before December '66. A. Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q. Was he killed? A. He was killed at Fort Scott.

Q. Was he killed in the town? A. He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.

Q. About what time of the day was he killed? A. He was killed just after dark, just dark.

Q. Do you know who killed him, who was said to have killed him, who was accused of killing him? A. Yes, sir.

Q. Who? A. Eli Mackey.

Q. Was he a colored man? A. Yes sir, he was.

Q. Did you assist in his arrest? Yes, sir.

Q. Who arrested him? Myself and a man we called Deacon Jones.

- Q That this other man here with you? A Yes, sir.
- Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. from the time the shots fired I wouldn't it was more than twenty minutes.
- Q Twenty Minutes? A Yes, sir.
- Q Had it become generally known at the time of the arrest? A No, sir.
- Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
- Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
- Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
- Q Was he put in jail? A Yes, sir.
- Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 26th I think it was.
- Q Of February following, of '67? A Yes, sir.
- Q Well did he make his escape? A He got away.
- Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
- Q Ed Coe was the turnkey was he? A Yes, sir.
- Q I will ask you then if there was any searching parties out for this man? Yes, sir.
- Q For how long? I think he was killed on the 20th of March.
- Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
- Q Well were there quite a number of people out searching for him? A Yes, sir.
- Q Considerable excitement at that time? A Yes, sir.
- Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
- Q Up until that time? Yes, sir.
- Q You say that was for about three weeks? A Yes, sir, something over three weeks.
- Q From the 26th of February up until about the 20th of March? A Yes, sir.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
- Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
- Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
- Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
- Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
- Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
- Q You was a friend of his? A Yes, sir.



H. C. Jones, being first duly sworn, testified as follows:

- MR. HASTINGS: What is your name? A H. C. Jones.
- Q What is your position? A Fort Scott.
- Q Kansas? A Kansas, yes, sir.
- Q What is your age, please sir? A 60.
- Q Were you holding any office in the town of Fort Scott, Kansas, in December of 1866? A Yes.
- Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
- Q What office was that? A City marshal, called town constable.
- Q You was a city policeman? A Yes, sir.
- Q Did you arrest him at first arrest? A I did.
- Q Who assisted you in the arrest? A Mr. Benjamin Files.
- Q This man that's present here? A Yes, sir.
- Q Did you hear the shots that killed Hayford? A I did.
- Q How soon after Hayford was killed was Mackey arrested, Eli Mackey? A 20 or 25 minutes, inside of a half hour at most.
- Q Very short time? A Yes, sir.
- Q Had any houses or places or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
- Q People didn't generally know it up to that time? A No, sir.
- Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
- Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
- Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
- Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
- Q He made his escape then? A He made his escape, yes, sir, at the time.
- Q You know how long he was at large? A Well I put it something like three weeks.
- Q I will ask you if there was any searches at that time made for him? A You mean after?
- Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
- Q Reward offered for him? A Yes, sir, reward offered.
- Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
- Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.
- COMMISSIONER: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.
- Q '67? A In '66 the killing was done.
- Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-28, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony stricken.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: Vol. D-394, D-395, D-396, D-401, D-402, D-404, D-407, D-775, and in D-391, the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(Signed) Philip J. Baxter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

Subscribed and sworn to before me this 23rd day of July, 1902.

*Arthur G. Evans*  
*Philip J. Baxter*  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Cherokee Land Office,  
Tahlequah, I. T. July 23, 1901.

In the matter of the application of Samuel Beck, his wife, Mary Beck, and daughter, Lucretia Beck, Cherokee Freedmen.

MARY BECK, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Mary Beck.
- Q How old are you? A I don't know.
- Q About how old do you think you are? A I guess about 45.
- Q What is your post office? A Bartlesville.
- Q You claim to be a Cherokee freedman? A Yes sir.
- Q Have you got a daughter named Lucretia? A Yes sir, I have.
- Q How old is she? A She will be eighteen the 16th day of October.
- Q What year was she born? A That I can't tell.
- Q How do you know whether she will be 18 or 19 or 17? A Because I see it put down at home, she can read and I can't and she can tell me; her age is put down.
- Q What have you got put down there? A Her age.
- Q The time when she was born? A Yes sir.
- Q When was that? A I can't tell you now.
- Q How do you know she will be 18? A Just what I tell you.
- Q Do you know whether she will be 18 or 17? A She was 17, she will be 18 in October.
- Q How do you know she will not be 19? A I go by that record.
- Q What have you got down? A When she was born.
- Q When was that? A I can't remember. I know by her looking over the record and her telling me, that is what I go by.
- Q When did she tell you that? A Just before I come; I couldn't tell you just what day it was, it hasn't been long.
- Q Has it been ten years? A About a month ago.
- Q Did she tell you then when she was born or did she just tell you she would be 18 in October? A She looked over her age and told me she would be 18 in October.
- Q Who put that down there? Who made the record? A I disremember who did.
- Q When was it put down? A At the time she was born.
- Q You don't remember who made the record? A I don't remember who did put it down.
- Q All you know about your daughter's age is that you got somebody, you don't remember who, to put down the date of her birth at the time she was born and she looked at that record and told you she would be 18 on the 16th day of October next is it? A Yes sir.
-

Mary B. Kaiser, being duly sworn, states that as stenographer to the Complainant to the Five Civilized Tribes, she correctly recorded the testimony in his case and that the foregoing is a true and complete transcript of her stenographic notes thereof.

Subscribed and sworn to before me  
this August 9, 1904.

Notary

Mary B. Kaiser

James P. [Signature]  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., SEPTEMBER 22, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Samuel Beck et al., as Cherokee Freedmen.

APPEARANCES:

Applicant is represented by Zeverly & Givens.  
Cherokee Nation by its representative, W. W. Hastings.

AARON WHITMIRE, being first duly sworn, testified as follows:

BY MR. BUTTE:

- Q State your name and postoffice? A Aaron Whitmire, Coody's Bluff.  
Q Are you known by any other name? A Wright some folks call me.  
Q What is your age? A 68 or 69.  
Q Are you a citizen of the Cherokee Nation? A Yes sir.  
Q Are you on the Freedmen Roll? A Yes sir.  
Q Did you leave the Territory during the war? A Yes sir.  
Q Where did you go? A Fort Scott.  
Q What state? A Kansas.  
Q When did you return to the Indian Territory? A In '66.  
Q Is your claim to citizenship in the Cherokee Nation based on your return to the Territory in '66? A Yes sir.  
Q And you have been recognized as a citizen of the Nation? A Yes sir.  
Q Do you know Sam Beck? A Yes sir I know him.  
Q How long have you known him? A I have known him ever since the war.  
Q Did you know him before the war? A No sir.  
Q Where did you first become acquainted with Sam? A Fort Scott, Kansas.  
Q In what year was that? A In '64 or '65.  
Q And you have known him ever since? A Yes sir, I have known him ever since that time.  
Q Did you know Sam Beck in 1866? A Yes sir I knowed him then.  
Q Did you see him frequently in '66? A Not very I seen him once in a while in '66.  
Q Where did you see Sam Beck in '66? A Fort Scott, Kansas.  
Q Where else did you see him in '66? A I didn't see him anywhere else except here at Fort Gibson.  
Q Fort Gibson, Indian Territory? A Yes sir.  
Q Did he return to Fort Gibson, Indian Territory, when you returned? A Yes sir.  
Q Returned at the same time? A Yes sir came right along with me.  
Q Made the trip together? A Yes sir, made the trip down together.  
Q And you both settled at Fort Gibson, Indian Territory? A No sir.  
Q Where did you settle? A I stayed on Salt Creek.  
Q How far from Fort Gibson? A I don't know just exactly 75 or 80 miles.  
Q Where did Sam Beck settle? A He didn't settle anywhere right then he stopped at Fort Gibson.  
Q You saw him at Fort Gibson last? A Yes sir.  
Q Have you seen Sam Beck since that time? A Yes sir.

- Q Tell us when you saw Sam Beck since '66 as well as you remember?  
A I saw him at different times since that, I couldn't tell you what time it was every time, I saw him again three or four years after that.
- Q Then at intervals up to the present time? A Yes sir.
- Q Are you sure that Sam Beck, who makes application today for enrollment is the same Sam Beck you knew at Fort Gibson in '66?  
A Yes sir I am sure this is the same Sam Beck.
- Q Do you know whether or not Sam Beck has resided continuously in the Territory since 1866? A No sir, I don't.
- Q You don't know about that? A No sir.
- Q Have you seen him at intervals in the Territory since 1866?  
A Yes sir.
- Q Where did you see Sam again, tell me some of the different places?  
A I seen him on Big Creek and different places, I couldn't tell you where all.
- Q You have seen him off and on since 1866 when you came from Fort Scott together? A Yes sir.
- Q Do you know any of Sam Beck's kinsfolk? A Yes sir I know his brother.
- Q What is his name? A Maryland Beck.
- Q Is he a recognized citizen? A I don't know whether he is or not.
- Q Did Maryland come back from Fort Scott, Kansas, with you and Sam Beck? A No sir.
- Q Do you know any other members of Sam Beck's family? A Yes sir, I know several, another brother and sister I know.
- Q Do you know where they live? A Yes sir, the brother lives on Caney, Coowesscoowee District somewhere near Bartlesville.
- BY MR. HASTINGS:
- Q When did you leave Fort Scott, Kansas, with Sam Beck after the war, what time of the year? A It was along in November or December, I don't just recollect it.
- Q It was late in the year was it? A Yes sir.
- Q How did you travel to Fort Gibson? A We had wagons.
- Q Who come along with you? A Several different parties I can't recollect all of them.
- Q Can't you tell some of them? A Some of them I wasn't acquainted with, there was Ransom Daniels was one.
- Q Is he alive? A Nosir, Solomon Foster is another.
- Q Is he alive? A Nosir he is dead.
- Q The next one? A The others were Creeks and Choctaws.
- Q You don't remember their names? A I remember Cal ----
- Q Do you know whether he is alive or not? A No sir, I don't know.
- Q Have you see the applicant, Sam Beck, frequently in Fort Scott before you come down with him? A Yes sir.
- Q What was he doing there? A Doing first one little thing then another, couldn't say positive.
- Q You had never known him before the war? A No sir.
- Q And you have got acquainted with him since the war? A Yes sir.
- Q Was he married when you first knew him? A No sir.
- Q Did he marry at all in Kansas? A Not that I know of.
- Q Did he have a wagon when he came with your crowd? A Nosir he was along with Foster, his brother-in-law.
- Q And he had been living at Fort Scott, Kansas, before that? A Yes sir he had been there, I don't know whether he lived there or not.
- Q How long had you known him immediately before you came here?  
A It was along sometime in the summer before we come.

- Q And you saw him frequently after that? A Yes sir.
- Q Do you know who he lived with up there? A I guess with his brother Maryland.
- Q Was Maryland living there? A Yes sir.
- Q And you left him in Fort Scott, Kansas, did you? A Yes sir, left Maryland there.
- Q Did you go back to Fort Scott after you had been here on that trip? A Yes sir.
- Q Did you find Maryland there when you went back? A Yes sir.
- Q What time did you go back up there? A I went back it must have been the same month I come down in.
- Q Then you come the next spring as you have testified in other cases? A Yes sir.
- Q Did you leave Maryland up there when you come the next spring? A Yes sir.
- Q He was still there? A Yes sir.
- Q So far as you know this Sam hadn't been here before that time? A No sir I don't know of his coming down before that, and he hadn't said anything of having been here.
- Q Nothing he said coming on that trip would indicate that he had ever been here before that time? A No sir nothing that I know of.
- Q How old was he? A I couldn't just tell you how old Sam was, he was a young fellow.
- Q Single? A Yes sir.
- Q How long did you stay at Fort Gibson? A A week.
- Q Sam left you there did he? A I left Sam there.
- Q You parted at Fort Gibson? A Yes sir we parted there.
- Q You separated there? A Yes sir.
- Q You don't know what become of Sam? A No sir.
- Q You never saw him for three or four years after that? A No sir.
- Q You don't know whether he went back to Kansas or not? A No sir.
- Q You never saw him in the Cherokee Nation for three or four years after that? A No sir.
- Q If Pomp Thompson states that Sam Beck was down there at Fort Gibson all the spring and summer of '66 he is mistaken is he? A I couldn't answer that.
- Mr. Butte: We object to that.
- By the Commission: Objection noted.
- Q Didn't you see him in Fort Scott, Kansas? A No sir Maryland I was talking about.
- Q Didn't you say that Sam Beck came down here with you in November or December 1866? A Yes sir.
- Q The balance of the year, before that in the spring of that year Sam Beck was in Fort Scott, Kansas wasn't he? A Yes sir he was in Fort Scott, Kansas, then.
- Q If Ben Grimmett testifies that this Sam Beck was down here in Fort Gibson in the spring, summer and fall of '66 he is mistaken is he not? A Yes sir.
- By Mr. Butte: Objected to on the ground that it does not appear to the court that Grimmett ever made such a statement.
- By the Commission: Objection noted.
- Q If Jennie Beck states that Sam Beck came down from Kansas with his brother-in-law, Solomon Foster, in the spring of '66, she is mistaken is she not? A Yes sir as to the date.
- Q If Buck Hill states that Sam Beck was in Fort Gibson in the spring of '66 she is mistaken isn't she? A Yes sir.
- Q If George Crossland states that Sam Beck was in Fort Gibson during the spring and summer of '66 he is mistaken isn't he? A Yes sir.

Q You don't know of your own knowledge what became of Sam Beck after you separated in Fort Gibson for some three or four years?

A No sir.

Q

BY MR. BUTTE:

Q If Pomp Thompson states as follows: "The next time I saw Samuel Beck was in the spring or fall of '66, I can't state the exact date he come back to Fort Gibson after the war, but I do know that in conversation with different parties it was remarked that Sam Beck got back to the Territory within the period of time allotted to freedmen to get back to the Territory," Is that so or not so to your knowledge? A I don't know whether it is or not.

Q Is the statement correct that Sam Beck got back either in the spring or fall of 1866? A He come in the fall or winter of '66.

Q If Ben Grinnett states as he does in his affidavit that he saw Samuel Beck during the winter of '66 could that be true? A He might have seen him in the winter.

Q Of 1866? A Yes sir it was in the winter when he come down with me, winter or late in the fall.

Q If Sank Vann states on oath that he saw Sam Beck in and around Fort Gibson at different times during the winter of '66 and says "I am quite sure that Beck was in and around Fort Gibson during the winter months of 1866," is that consistent with your statement? A He was there but I don't know how long, I left him at Fort Gibson.

Q In 1866? A Yes sir.

Q And it was possible for these other people to have seen him?

A Of course they might have seen him, I couldn't say just the date cause I don't know it.

Q George Crossland states in his affidavit that he saw Sam Beck at Fort Gibson in the fall or spring of '66, and that he was in the vicinity of Fort Gibson when the cholera broke out there in 1867, is that statement consistent with yours that you returned in 1866, is it possible that he saw him in the fall of 1866?

A When he ask me if I know whether Crossland saw Sam Beck in the fall of '66 or not, I don't know whether he did or not, I know I saw him, I don't know about Crossland, whether he saw him or not.

BY THE COMMISSION:

Q You had seen Sam Beck in Fort Scott had you before you came down here? A Yes sir, I had seen him there.

Q You think that he remained up in Fort Scott until along in the early part of the winter of '66, is that what you want to testify to? A Yes sir.

Q And then he came down to Fort Gibson? A Yes sir.

Q You think that was the first time he was at Fort Gibson after the war? A It was the first time to me knowing.

Q You understood did you at that time that that was his first trip? A Yes sir.

Q You say you don't know what became of him after he got to Fort Gibson for some three or four years? A No sir.

Q Where did you live during the three or four years following '66? A Out on the Verdigris.

Q How far from Fort Gibson? A 75 or 80 miles, I guess.

BY MR. BUTTE:

Q Are you a citizen of the Cherokee nation on the Freedmen roll?

A Yes sir.



- Q How did you prove before the Commission that you returned to the Territory on the same trip that you made with Sam Beck? A I proved it by witnesses.
- Q People that were along with you on the trip? A It was not people that were along with me.

This case was here continued until November 15, 1904.

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*H. M. Vance*  
Subscribed and sworn to before me this the 27th day of December, 1904

*Charles W. Sawyer*  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory. November 15, 1904.

-----  
Supplemental proceedings had in the matter of the application of Samuel Beck et al. for enrollment as Cherokee Freedmen.  
-----

It appears that on October 14, 1904 the applicants, their attorneys, and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission, at its offices in Muskogee, Indian Territory, on November 15, 1904, and introduce such testimony as they might desire in this case.

-----  
: A P P E A R A N C E S :

Applicants represented by attorneys, Zevely & Givens.

Cherokee Nation represented by its attorney, W. W. Hastings.  
-----

Sank Vann, being first duly sworn, testified as follows:

BY MR. BUTTE:

- Q. What is your name. A. Sank Vann.  
Q. What is your post office address. A. Fort Gibson.  
Q. How old are you. A. About 50.  
Q. Are you a Cherokee citizen. A. Yes sir.  
Q. Are you on the Freedman roll. A. Yes sir.  
Q. Do you know Samuel Beck. A. Yes sir.  
Q. How long have you been knowing Samuel Beck. A. Ever since during the war.  
Q. Where did you know him. A. At Fort Gibson.  
Q. Did you see Sam during the war you say at Fort Gibson. A. Yes sir, I saw him there during the war.  
Q. Did you see him after the war. A. Yes sir.  
Q. How soon after the war. A. Saw him there in '66 after PEACE.  
Q. Did you see him in 1867. A. Yes sir.  
Q. What time of the year was it when you saw him there in 1866. A. Along in the spring, as well as I recollect.  
Q. Saw him often and on through that year. A. Yes sir. He was at his father's.  
Q. Was his father there at Fort Gibson. A. Yes sir.  
Q. You saw him in 1867 also. A. Yes sir.  
Q. When the cholera broke out there. A. Yes sir.  
Q. How long did he remain in Fort Gibson, to your knowledge, after he came back in 1866. A. I do not know. I saw him

there during the year 1866. I do not know when he left exactly.

- Q. You say you saw Sam Beck at Fort Gibson in 1866. How do you know it was the year 1866. A. It was the same year we came from Kansas ourselves, and we come in 1866.
- Q. Did you return in time to be recognized as a Cherokee Freedman. A. Yes sir.
- Q. In 1866. A. Yes sir.

BY MR. HASTINGS:

- Q. How old were you at that time. A. I do not know-- about 15 years old.
- Q. You are about 50 years old now. A. Yes sir.
- Q. What time did you come back. A. We landed right on the other side of Grand River, where that bridge is in Gibson, in January, '66.
- Q. Was Sam Beck there at that time. A. No sir, not right there.
- Q. Was he at Fort Gibson. A. He was over at his father's when we come on the other side of the River, and rented Nash's farm.
- Q. When was that. A. Same year-- '66.
- Q. What time of the year. A. In the spring.
- Q. Do you remember the month. A. Along in January.
- Q. Of 1866. A. Yes sir.
- Q. What makes you remember Sam was there. A. Because I knew his people and saw him there and knew him.
- Q. You did not know him before the war. A. No sir.
- Q. Where did his father live at that time. A. He lived right back of the garrison.
- Q. Did he live in town. A. No sir, not right in town. Just back of the garrison.
- Q. When you first saw him. A. Yes sir.
- Q. On whose place. A. On the Government Reserve, I reckon they call it.
- Q. How long did you continue to know Sam there. A. I saw him there pretty often during that year in Gibson.
- Q. Did his father continue to live in that same place. A. Yes sir, all right there.
- Q. Sam had never been out of the country. A. I do not know.
- Q. He never went out in the year 1866. A. I do not know.
- Q. If you continued to see him there why did not you know. A. I said I saw him often and on.
- Q. You do not know how long you saw him. A. No sir. I saw him in '66 and '7.
- Q. That has been 37 years ago. Why do you remember these particular years he was there. A. I know he was there during the cholera, and that was in '67.
- Q. And Sam Beck was there. A. Yes sir.
- Q. What time of the year of 1867 did the cholera break out. A. Along about August.
- Q. That is the reason why you remember him then was because of that cholera. A. Yes sir.
- Q. And that is the only thing you fix the date by. A. Yes sir.
- Q. If it had not been for the cholera you would not remember any other date to fix it by. A. No sir, I wouldn't.
- Q. Then you are not positive of having seen him there only during the year of the cholera. A. I saw him there the year we come from Kansas.
- Q. Why do you remember seeing him that year. A. We come from Kansas.

- Q. But you do not remember how long after you come that you saw him. A. It was not very long.
- Q. Why do you fix that date---you say you remember him by the cholera. A. I fix this other date because we come from Kansas that year.
- Q. You had never known him before the war. A. I knew him during the war.
- Q. Where did you know him during the war. A. There in Gibson.
- Q. What year. A. I do not know exactly what year I knew him before we went to Kansas.
- Q. What year did you go to Kansas. A. I do not know.
- Q. What is it that makes you remember the year you came back, and you do not remember when you went away. A. I know when we come back.
- Q. Why did not you know when you went away. A. I do not know.
- Q. Is there any special circumstance that makes you remember seeing this boy after you come back. A. I have told you all I know about it---about the way I place the date.
- Q. You do not place it definitely until the year of the cholera, which was the next year. Did Sam have the Cholera. A. I do not know it if he did.
- Q. Why do you associate him with the cholera. A. Because he was there.
- Q. Wasn't there other people there during the cholera. A. Yes sir, and Sam was too.
- Q. He is no relation of yours. A. Not a bit.
- Q. Did he ever go back to Kansas after that. A. I do not know
- Q. How long was it till you saw him after 1867. A. I do not remember seeing him after 1867.
- Q. For how many years. A. It was a good while
- Q. About how many years. A. I actually do not know.
- Q. As much as ten years. A. No sir, a good while, though.
- Q. But you can not fix any definite number of years. A. No sir.
- Q. Was Sam Beck's mother living when you saw him there at the first of the war. A. I did not know his mother. I knew his stepmother. She was alive.
- Q. What was her name. A. Jennie.
- Q. Was his father and stepmother living together then. A. Yes sir.
- Q. When you first come back. A. Yes sir.
- Q. Were they living back of the garrison at that time. A. Yes sir.
- Q. They lived together till she died. A. She isn't dead yet.
- Q. When did his father die. A. I think about three years ago---maybe longer.
- Q. There is no special event that happened in the year of 1866 other than that coming back that you remember of seeing him. A. That is all.
- Q. And you remember that he was there when the cholera broke out. A. Yes sir.
- Q. Was he married at that time. A. No sir.
- Q. When did he marry. A. I do not know.
- Q. When did you first know of his being married. A. I do not know it now.
- Q. You never saw his wife and family. A. Not that I know of.

BY MR. BUTTE:

- Q. You say you are recognized as a Cherokee citizen. A. Yes sir.
- Q. The Commission has accepted your statement as correct that you returned in 1866. A. Yes sir, Already filed on my land.



- Q. And you knew it was during that year that you saw Sam Beck.  
A. Yes sir.  
Q. And you also know that he was at Fort Gibson in 1867 during the time the cholera broke out. A. Yes sir.  
Q. It is easy enough to fix a year back from 1867 to connect your first knowledge of Sam with that event/ A. Yes sir.

WITNESS EXCUSED.

H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on the 15th. day of November, 1904, and that the above and foregoing is a full, true, and correct transcript of his stenographic notes taken in said cause on said date.

H. M. Vance

Subscribed and sworn to before me this the 31 day of December 1904.

Charles H. Jumper  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al., for  
enrollment as Cherokee Freedmen, consolidating the applications of

Joe Ross,.....	Cherokee Freedmen	D-350
Chloey Grayson, et al.,.....	Cherokee Freedmen	D-496
Aaron Webber,.....	Cherokee Freedmen	D-516
Elizabeth Meigs,.....	Cherokee Freedmen	D-521
George Meigs, Sr., et al.,.....	Cherokee Freedmen	D-594
John Meigs,.....	Cherokee Freedmen	D-394
Flemings Meigs,.....	Cherokee Freedmen	D-598
Irene Hanks, et al.,.....	Cherokee Freedmen	D-401
Hattie Garrell, et al.,.....	Cherokee Freedmen	D-408
Andrew Alberty, et al.,.....	Cherokee Freedmen	D-404
Harriett Webber, et al.,.....	Cherokee Freedmen	D-407
Moses Webber,.....	Cherokee Freedmen	D-408
Wesley Webber,.....	Cherokee Freedmen	D-409
Edward E. Webber,.....	Cherokee Freedmen	D-410
Samuel Beck, et al.,.....	Cherokee Freedmen	D-778
Edward Wright,.....	Cherokee Freedmen	D-818
John Wright,.....	Cherokee Freedmen	D-834.

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Joe Ross, for himself; by Joe Ross, for his sister, Chloey Grayson, and her minor child, Gertrude; by Aaron Webber, for himself; by Elizabeth Meigs, for herself; by George Meigs, Sr., for himself, his wife, Matilda Meigs, and minor son, George Meigs, Jr., (Matilda Meigs is differently classified and is not embraced in this decision); by John Meigs, for himself; by Flemings Meigs, for himself; by Irene Hanks, for herself and minor child, George Hanks; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Flamen Hanks; by Hattie Garrell, for herself, her sister, Katie Meigs, and brothers, Nathan and Henry T. Meigs; by Elizabeth Alberty, for herself, her husband, Andrew Alberty, and minor children, Mattie, Charity, Nellie, Ben and Bolly Alberty; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriett Webber, for herself and minor child, Millie E., and her ward, Mattie Webber; by Moses Webber, for himself; by Wesley Webber for himself; by Edward E. Webber, for himself; by Samuel Beck, for himself, his wife, Mary Beck, and minor child, Magittie; by Edward Wright, for himself, and by John Wright, for himself.

The evidence shows that Joe Ross, one Peter Meigs, now deceased, husband of Elizabeth Meigs, Moses Webber, Sr., father of Aaron Webber, George Meigs, Sr., Chilora Grayson, Samuel Beck and Andrew Alberty, were slaves of Cherokee citizens at the commencement of the War of the Rebellion, and that during said War they left the Cherokee Nation.

Said Joe Ross, Peter Meigs and Moses Webber, Sr., returned to the Cherokee Nation in the fall of 1866, and located a claim on the public domain of the Cherokee Nation; they then went back to Kansas for their wives and families, and returned with them to said Nation in February or March, 1867.

Elizabeth Alberty, wife of Andrew Alberty, Mary Beck, wife of Samuel Beck, and Harriett Webber, are children of said Elizabeth and Peter Meigs, and, with the exception of the said Elizabeth Alberty, who has been born since 1866, were minors at the time of their parents' return to the Cherokee Nation. The said Elizabeth Alberty desires to be enrolled as Lizzie Alberty. Moses Webber, Wesley Webber and Edward H. Webber are children of said Harriett Webber, and have all been born since 1866.

George Meigs, Sr., returned with his father and mother to the Cherokee Nation in February or March, 1867, and was of age at that time.

John Meigs, Flemings Meigs and Irene Hawks have been born since 1866, and are children of, and claim right to enrollment through, the said George Meigs, Sr. The names of the said George Meigs, Sr., John Meigs, Flemings Meigs and Irene Hawks, are not found on the 1860 authenticated roll of the Cherokee Nation.

Chilora Grayson returned to the Cherokee Nation with her brother, Joe Ross, in February or March, 1867. She was then married and not a member of the family of Joe Ross, at the time of his return to the Cherokee Nation. Her name is not found on the 1860 authenticated roll of the Cherokee Nation. Her minor child, Gertrude, takes only such rights as are possessed by her mother.

Samuel Beck did not return to and establish his residence in the Cherokee Nation until after January 19, 1867. His name is not found on the 1860 authenticated roll of the Cherokee Nation.

Andrew Alberty returned to the Cherokee Nation and established a residence therein in 1866.

Hattie Carrell, Katie Meigs, Nathan Meigs and Henry T. Meigs have been born since 1866, and are the children of one Simon Meigs, and claim their right to enrollment through him. The evidence does not show that the said Simon Meigs was the slave of a Cherokee citizen, or free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion, who was residing therein on July 19, 1866, or within six months thereafter. The names of the said Simon Meigs, Hattie Carrell, and Nathan and Henry T. Meigs, are not found on the 1860 authenticated roll of the Cherokee Nation.

Aaron Webber has been born since 1866, and is the son of Moses Webber, Sr., who is identified on the 1860 authenticated roll of the Cherokee Nation as adopted colored. It is presumed from this enrollment that the Cherokee Nation recognized that Moses Webber, Sr., complied with the terms of the treaty of 1866. Edward Wright is the step-son of said Moses Webber, Sr., and was a minor and a member of the family of said Moses Webber, Sr., when he returned with them to the Cherokee Nation in February or March, 1867. John Wright is the son of Edward Wright, and takes the status of his father.

Hattie Webber, included in the application of said Harriett Webber, is the daughter of Jesse and Missie Ree. The evidence does not show that the said Jesse or Missie Ree, or any of their ancestors, were ever slaves of Cherokee citizens, or free colored persons residing in the Cherokee Nation at the beginning of the War of the Rebellion. The names of said Harriett Webber, Jesse Ree and Missie Ree are not found on the 1880 authenticated roll of the Cherokee Nation.

The evidence further shows that Joe Rees, Elizabeth Meigs, Andrew Alberty, Mary Beck, Harriett Webber and Edward Wright have resided in the Cherokee Nation continuously since their return thereto, as above mentioned; that all the applicants herein, born since 1866, have resided in the Cherokee Nation continuously since birth.

It is, therefore, the opinion of this Commission, that Aaron Webber, having been born since 1866, should be enrolled as a Cherokee Freedman, and that Joe Rees, Elizabeth Meigs, Andrew Alberty, Lissie Alberty, Hattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dolly Alberty, Ned Alberty, Harriett Webber, Millie M. Webber, Moses Webber, Wesley Webber, Edward E. Webber, Mary Beck, Inquittie Beck, Edward Wright and John Wright should also be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 26, 1896 (30 Stats., 498); it is further the opinion of this Commission that the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Hattie Garell, Katie Meigs, Nathan Meigs, Henry T. Meigs, Irene Hanks, George Hanks, Flamen Hanks, Chlera Grayson, Gertrude Grayson, Hattie Webber and Samuel Beck, should be denied, under the provisions of said Section twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Tame Dixby.*

*W. E. Stanley.*

Waskagoo, Indian Territory,

this JUL 10 1903



C. M. MOR.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al.,  
for enrollment as Cherokee Freedmen, consolidating the applica-  
tions of ---

Joe Ross,	Cherokee Freedmen D-380,
Calera Grayson, et al.,	Cherokee Freedmen D-496,
Aaron Webber	Cherokee Freedmen D-816,
Elizabeth Neigs	Cherokee Freedmen D-391,
George Neigs, Sr., et al.,	Cherokee Freedmen D-394,
John Neigs,	Cherokee Freedmen D-396,
Flemings Neigs,	Cherokee Freedmen D-398,
Irene Hanks, et al.,	Cherokee Freedmen D-401,
Nattie Carrell, et al.,	Cherokee Freedmen D-402,
Andrew Alberty, et al.,	Cherokee Freedmen D-404,
Harriet Webber et al.,	Cherokee Freedmen D-407,
Moses Webber,	Cherokee Freedmen D-408,
Wesley Webber,	Cherokee Freedmen D-409,
Edward H. Webber	Cherokee Freedmen D-410,
Samuel Beck, et al.,	Cherokee Freedmen D-775,
Edward Derrick	Cherokee Freedmen D-818,
John Wright,	Cherokee Freedmen D-834.

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Joe Ross for himself; by Joe Ross for his sister, Calera Grayson and her minor grandchild, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Neigs for herself; by George Neigs, Sr., for himself, his wife Matilda Neigs, and his minor son, George Neigs, Jr., (the said Matilda Neigs, being differently classified, is not embraced in this decision); by John Neigs for himself; by Flemings Neigs for himself; by Irene Hanks for herself and her minor son, George Hanks; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Flemen Hanks; by Nattie Carrell for herself, her sister, Katie Neigs, and her brothers, Nathan and Henry T. Neigs; by Elizabeth Alberty for herself, her husband Andrew Alberty, and her minor children, Nattie, Charity, Nellie, Ben and Dollie Alberty; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriet Webber for herself and minor child, Willie H. Webber, and minor ward, Nattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward H.

Webber for himself; by Samuel Beck for himself, his wife Mary, and his minor child, Luquittie Beck; by Edward Wright for himself; and by John Wright for himself.

On July 10, 1903, the Commission rendered its decision in this consolidated case, which was forwarded to the Department for its consideration, and on August 31, 1903, the Commission requested that the record relative to the application of Chlera Grayson et al., party applicants in this consolidated case, be returned for reconsideration, and on Oct. 3, 1903, the Department complied with said request of the Commission and returned said record and decision. On June 17, 1904, further proceedings were had in the matter of the application for the enrollment of Chlera Grayson, et al.

The record herein shows that on April 1, 1902, the Commission received a letter from the applicant in Cherokee Freedmen D-404, heretofore listed for enrollment as Elizabeth Alberty, wherein she states that she desires to be enrolled as Lizzie Alberty, and she will accordingly be considered in this decision under the last mentioned name. On June 6, 1904, the applicant in Cherokee Freedmen D 818, appeared before the Commission at Tahlequah, Indian Territory, and testified that his correct name was Edward Derrick, under which name he will be considered in this decision.

The evidence shows that Joe Ross, Chlera Grayson, Aaron Webber, Elizabeth Meigs, Peter Meigs, now deceased, husband of Elizabeth Meigs, Sam Webber, Sr., George Meigs, Sr., Andrew Alberty, Samuel Beck and Edward Wright, were slaves of Cherokee citizens at the commencement of the rebellion, and that during said rebellion they left the Cherokee Nation; the said Joe Ross, Peter Meigs and Sam Webber, Sr. returned to the Cherokee Nation in the summer or fall of 1866 and located some claims upon the public domain of the Cherokee Nation; they then returned to the State of Kansas for their families, and removed with them to the Cherokee Nation during the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck, wife of Samuel Beck, are daughters of Peter and Elizabeth Meigs, and were born in the Cherokee Nation prior to their parents removal to the State of Kansas, and returned to the Cherokee Nation with them; George Meigs, Sr., another child of Peter and Elizabeth Meigs returned to the Cherokee Nation with his parents at the time above mentioned. Millie M. Webber, Moses Webber, Wesley Webber and Edward M. Webber are the minor children of Harriet Webber, and possess no rights to enrollment except through their said mother, their father, Ellis Webber, not having returned to the Cherokee Nation within the time necessary to acquire rights as a Cherokee Freedman. Mattie Webber, included in the application of Harriet Webber, et al., is a daughter of Wesley Webber, Cherokee Freedmen D-407, and one Missy Rowe; it appears that the said Missy Rowe was born since 1866, and is the daughter of one Jesse Rowe, whose application for enrollment as a Cherokee Freedman was denied by this Commission, and which decision was approved by the Department on May 22, 1904. George Meigs, Jr. John Meigs, Fleming Meigs and Irene Hanks, are the children of George Meigs, Sr., and possess no rights to enrollment except through their said father, their mother, Lucinda Meigs, nee Towers, not being shown to possess any rights as a Cherokee Freedman; George Hanks and Flenon Hanks are the minor children of Irene Hanks, and possess no rights to enrollment as Cherokee Freedmen except through their said mother.

Hattie Garell, Katie Meigs, Nathan Meigs and Henry T. Meigs, have been born since 1866, and are the children of Simon Meigs and Fannie Meigs; the said Simon Meigs is the son of Peter and Elizabeth Meigs and returned to the Cherokee Nation with his parents the latter part of February or first of March, 1867; their mother, Fannie Meigs is not shown to possess any rights as a Cherokee Freedman, and in the absence of such showing it will be presumed that she possesses no such rights.

Andrew Alberty returned to the Cherokee Nation with his step-father, Peter Hudson, and the Commission have heretofore found, in the case of Peter Hudson, Cherokee Freedmen D-604, that the said Peter Hudson returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation, and his enrollment was approved by the Secretary of the Interior, April 29, 1904; his wife, Lizzie Alberty, is the daughter of Peter and Elizabeth Meigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Hattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, are their minor children, born since 1866.

Samuel Beek returned to the Cherokee Nation and established a residence therein within the time specified in the decree of the Court of Claims above referred to, and has since continuously resided in said Nation. The minor applicant, Inquittie Beek, is the child of said Samuel Beek, and has continuously resided with her father since birth.

Chlora Grayson returned to the Cherokee Nation at the time the Webbers returned with their families, which was too late to acquire any rights, under Article nine of the Cherokee treaty of 1866; her minor grandchild, Gertrude Grayson, for whom she makes application, is the daughter of Armstead Foster, who is identified on the 1880 authenticated Cherokee tribal roll.

Edward Derrick returned to the Cherokee Nation with his mother, Katie Whitmire, and his step-father, Moses Whitmire, at the time the Whitmires and Webbers brought their families to the Cherokee Nation, which, from the evidence, is shown to have been the latter part of February or the first of March, 1867; John Wright is a son of Edward Derrick, born since 1866, and takes the status of his said father.

Aaron Webber returned to the Cherokee Nation with his brother, Sam Webber, in the summer of 1866.

It appears that Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and that the applicants, Gertrude Grayson, Lizzie Alberty, Hattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, have resided continuously in the Cherokee Nation since birth. None of the other applicants herein nor any of their ancestors through whom they claim, can be identified upon the 1880 authenticated Cherokee tribal roll.

It is, therefore, the opinion of this Commission that Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie

Alberty, Mattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck and Luquittie Beck, should be enrolled as Cherokee Freedmen; and that the applications for the enrollment of Chlera Grayson, Elizabeth Weigs, George Weigs, Sr., George Weigs, Jr., John Weigs, Flemings Weigs, Irene Hanks, George Hanks, Flossie Hanks, Mattie Carroll, Katie Weigs, Nathan Weigs, Henry T. Weigs, Harriet Webber, Willie W. Webber, Mattie Webber, Moses Webber, Wesley Webber, Edward W. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1906 (34 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed)       Tams Dixey        
Chairman.

(Signed)       T. B. Needles        
Commissioner.

(Signed)       C. R. Breckinridge        
Commissioner.

Dated at Muskogee, Indian Territory,  
this       APR 27 1905



**CERTIFICATE OF SERVICE.**

Claim disallowed by otf  
164,169 1/2  
Feb'y. 25/92.  
(signature illegible)  
Second Comptroller.

TO ALL WHOM IT MAY CONCERN:

THIS IS TO CERTIFY, That Samuel Beck, who was enrolled on the 1<sup>st</sup> day of April, one thousand eight hundred and sixty-three, to serve three years, was DISCHARGED on the 11<sup>th</sup> day of August, 1865, with Battery, at Leavenworth, Ks., while holding the grade of Under Cook in the 2<sup>nd</sup> Battery Kansas Lt. Arty. Volunteers.

THIS CERTIFICATE is given upon evidence that the original discharge has been lost or destroyed, and in all cases upon the conditions imposed by the Act of Congress approved March 3, 1873, that it "shall not be accepted as a voucher for the payment of any claim against the United States for pay, bounty, or other allowance, or as evidence in any other case."

Given at the WAR DEPARTMENT, Washington, D.C. this 25<sup>th</sup> day of August, A.D. 1890.

By authority of the Secretary of War:

247968

F. C. Ainsworth  
Capt. & Asst. Surgeon, U.S.A.  
F.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., November 13, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of said Division.

  
Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 13th day of November, 1902.

  
Notary Public.

*Copy*

IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF  
MARY BECK AS A CHEROKEE FREEDMAN.-----

-----MOTION FOR REVIEW.-----

Comes now Mary Beck and moves the Honorable Secretary of the Interior for a Review of the Decision of the Department of June 25, 1906, in the matter of the application for her enrollment as a Cherokee Freedman for the reason that said decision is

1st- Against the law,

2nd- Against the evidence,

Third- Against the law under the evidence.

WHEREFORE the premises considered, your petitioner prays for a Review of said decision and that she be ordered enrolled as a Cherokee Freedman.

*Georgie + David*

ATTORNEYS FOR APPLICANT.

Indian Territory,

Western District:

Sam Beck, being duly sworn, on oath states that he is the Husband and representative of Mary Beck, that the above petition has been read to him and that the facts therein set forth are true to the best of his knowledge, information and belief.

*Sam + Mary Beck*

Subscribed and sworn to before me this 24th day of August, 1906.

*B. Chester A. Couper*

Notary Public.

My Commission expires *Dec 16 1907*

In the matter of the application :  
for the enrollment of Mary Beck, as a :  
Cherokee freedman. :

#### ARGUMENT ON MOTION FOR REVIEW

In support of the motion herein we set up the following reasons for reversing the decision in this case.

First: The evidence shows that Mary Beck did return to the Cherokee Nation prior to February 11, 1867.

Second: Being a minor in 1867 under the control of her father her actual personal bona fide and only domicile was the domicile of her father

We are unable to see upon what the Commission and the Department base their finding that Mary Beck returned to the Cherokee Nation in the latter part of February or in the month of March, 1867.

The testimony of all the witnesses for the applicant is clear that her father returned from the Cherokee Nation to Kansas in 1866 and took his family back with him to the Cherokee Nation during the latter part of December, 1866, and the early part of January, 1867.

Ruben Sanders swears that the return was made shortly after Christmas. He remembers it because of the excitement occasioned by a murder that took place at Fort Scott just at the time they were leaving. The Cherokee Nation attempts to impeach this testimony. But the evidence it introduces shows that the murder referred to did take place in the latter part of December, 1866. The Cherokee Nation contends that no hue and cry was raised at the time because the murderer was caught twenty-five or thirty minutes after the crime was committed; that the only hue and cry that was raised was raised at the time the murderer broke jail, which was in the latter part of February. But the witness testifies that the murder had just taken place at the time they were leaving and everyone familiar with western towns of the early days and with

the characteristics of their people knows that it would not take even five minutes for mounted posses to be out hunting for a murderer. The fact therefore that the murderer was quickly caught is no evidence that the moving Cherokees did not meet parties hunting for him on the day that the murder was committed. Such a far fetched inference is a rather weak basis upon which to discredit the positive testimony of a witness who has no interest in the case and who is clear and convincing in his statement.

Daniel Sanders is equally positive that the applicant returned early in January.

The testimony of these two is corroborated in every detail by several other persons equally familiar with the facts.

Against this positive testimony we have the hearsay evidence of Robert Meigs. Peter Meigs was dead and unable to contradict the witness. Such testimony should never have been admitted, is entitled to no weight and need not be further discussed.

Mrs. Hicks thinks that the applicant left Kansas in February or March. Then she states that she cannot swear whether it was before or after Christmas. When the matter of a few days earlier or later makes a vital difference to the case it is better that her positive statement that she could not say whether it was before or after Christmas should be taken as true, than that any weight should be given to her guess that the time was February or March. This is particularly true when we observe that the date of the death of her child in 1866 which she swore was written in the Bible a very short time after it occurred was in fact written in a Bible that was not published until 1869.

Her daughter Mrs. Spears was ten or eleven years old in 1866 and 1867. Is it reasonable to suppose that the departure of a few wandering darkies from her neighborhood would so impress itself upon her memory that she could, almost forty years later, tell in just what month they left.



(.)

The evidence for the applicants is clear, positive and convincing. It is told by persons who participated in the events concerning which they have testified. The evidence against them is a series of inferences, sup ositions and guesses made by people who probably knew something about the matter but who had no reason to remember and who could not be expected to remember for a period of almost forty years the exact time of the happening of these events. And where a variance of a few days is vital the testimony of any of those people who know should be considered.

But whether Mary Beck returned in January or whether she returned in March is immaterial if we apply to the case the universal law of domicile of minors.

"An infant being nonsud juris is incapable of fixing his domicile, which, therefore, during his minority, follows that of the father, provided such child is legitimate." (Enc. Law and Prcd.)

The same rule also applies to the lesser term "residence." But domicile is more than residence. Residence is a political status. Domicile implies physical presence. The child is in the eyes of the law actually and physically present at the domicile of the father. It is the physical presence that creates the domicile--the home.

The child was not a resident or citizen of Kansas. It had no domicile or residence apart from its father. Its father was domiciled in the Cherokee Nation and in the eye of the law the child was present, domiciled and resident with its father.

Respectfully submitted,

---

I, W. W. Hastings, attorney for the Cherokee Nation, acknowledge service of the within motion for review and argument in the matter of the application for the enrollment of Mary Beck, as a Cherokee freedman.

---

August 24th, 1906.

Cherokee Freedman D 778.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of MARY BECK as a Cherokee freedman.

Answer to Motion to Review.

The record shows that the applicant, Mary Beck, is the wife of Samuel Beck, for whom application was made on the 30th day of June, 1902. On April 27, 1905, judgment was rendered denying the application of Mary Beck by the Commission to the Five Civilized Tribes and this action was affirmed on June 28, 1906, by the Secretary of the Interior. This action is a motion for review and is not one based upon newly discovered evidence asking that the case be remanded because of newly discovered evidence, and therefore no affidavits are attached. The record shows that Mary Beck was 40 years of age when application was made for her enrollment and the testimony shows that she was born before the War and was, therefore, a slave. The argument in behalf of the motion to review is based upon two grounds: the first being that Mary Beck returned prior to February 12, 1867. As to this contention we desire to say that the testimony we think in this case conclusively shows that the Webbers, Sanders and Whitmires did not come to the Cherokee nation until about the first of March, 1867. The Commission to the Five Civilized Tribes and the Secretary of the Interior have decided this in a number of cases. We have had occasion to go into the testimony as to the return of these several big families with whom these several applicants claim to have returned, and the Department is by this time certainly convinced as to the date of their return. In the case of Luella Snodden, the Department on June 28, 1906, affirmed the decision of the Commission to the Five Civilized Tribes dated November 5, 1905, rejecting the applicant, and this same applicant returned with her father, George Weige, who returned at the same time the present applicant Mary Beck claims to have returned. The date of the return of these families was also gone into in the case of Daniel Whitmire, F. D. 434,

and the department on June 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes dated November 5, 1904, rejecting the applicant Daniel Whitmire. There are any number of cases wherein the Commission to the Five Civilized Tribes has found that these applicants returned with their families <sup>too late</sup> to be enrolled as freedmen citizens of the Cherokee Nation, to-wit: about the first of March, 1867. Reference is made in the argument in support of the motion for review to the testimony of Reuben Sanders who swears that these parties returned shortly after Christmas, but still he swears that their wagons were searched for Eli Mackay who had previously killed Myer Hayford, upon that trip, and the testimony conclusively shows that Eli Mackay was caught within a few minutes upon the evening after Myer Hayford was killed and before any one knew it and lodged in jail, but that he struck down the turnkey and got out of jail about the 27th of February and was not apprehended until about the 20th of March, and that during that time rewards were offered and the country was scoured in search of him. Therefore, it is very clear that it was after that time that they were searching for Eli Mackay and certainly after February 27, 1867.

By referring to the testimony of Robert Meigs we see that these applicants originally belonged to his family, and that, as was natural, the head of the family came down to see him and his brother John the year 1871 and told them that he had brought his family down too late after the War to entitle them to be enrolled as freedmen citizens of the Cherokee Nation.

By reference to the testimony filed in F. B. 216, being Edward Wright or Derrick, it will be seen that the Wrights or Whitmires, when they appeared before the Chambers court in 1878, stated to the Court that they did not return with their families until March of 1867, or too late to entitle them to enrollment under the treaty of 1866.

As to the return of the Webbards, in the case of Aaron Webber, F. B. 216, it was conclusively shown by a large number of witnesses that this family did not return until the Spring of 1867.

Therefore with reference to the people who returned first, and it is

conceded that the first three families that returned were the Whitaires, second, the Sanders, and third, the Webbers, and that none of them returned with their families until the spring of 1867.

This has been found, however, by the Commission to the five civilized tribes and the secretary of the Interior in a number of cases, and we do not deem it necessary to go into any lengthy detailed argument showing the date of the return of these people, but we insist that the testimony conclusively shows that the present applicant did not return until the spring of 1867.

The applicant herself was not a slave, born just before the beginning of the War. The 9th Article of the Treaty of 1866 makes no exception whatever in behalf of a minor and minors were required to return within the time prescribed by the Treaty the same as adults. The truth is at the date of the birth of this applicant she had no rights. If she acquired any at all she got them by virtue of her compliance with the 9th Article of the Treaty of 1866; she could not inherit any rights which her father did not have at the time of her birth; she was born a slave; her parents were slaves and this is a fact that should be borne in mind throughout this entire investigation. After the Civil War the treaty of 1866 was made, as is well known it was reluctantly made by the Cherokees; they were required to grant rights to their old slaves conditioned upon their return. They did not grant rights to adult slaves, but to all who returned, including both adults and minors, but the granting of the rights was conditioned upon their returning back to the Cherokee Nation. Congress took exactly the same view at the last session, because Section Three of the Act of April 26, 1906, provides:

"The roll of Cherokee freemen shall include only such persons of African descent, either free colored persons or the slaves of Cherokee citizens, and their descendants who were actual, personal bona fide residents of the Cherokee Nation August eleventh, eighteen hundred and sixty-six, or who actually returned and established such residence in the Cherokee Nation on or before February eleventh, eighteen hundred and sixty-seven;...."

In other words, they are required to be actual, personal, bona fide residents of the Cherokee Nation, and if as we contend, that applicant was not an actual personal, bona fide resident, then she should not be enrolled as a citizen of the Cherokee Nation.



The Assistant Attorney General on December 25, 1905 (18815-1905) rendered an opinion as to what effect the Act of June 25, 1896, requiring that a person be a bona fide resident of the Cherokee Nation at that time had upon miners, wherein he held:

"As to the second request, I am unable to see that any distinction is to be made between adults and miners who failed to locate permanently in the Nation. While minors who failed to locate are excepted from operation of the act of the Cherokee National Council of December 4, 1894, no such exception in their favor has been made by any act of Congress. The Act of June 25, 1896 (30 Stat. 493, 503) among other things provided that 'no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship.' This provision is in the nature of both a limitation and a condition precedent to the right claimed, and is similar in purpose and effect to the limitation considered by this office in the opinion of June 8, 1901 in cases of Nancy D. Smith and Lettie B. Adams. As nothing existed in the legislation of Congress exempting miners or insane persons from its operation the limitation was held to operate upon them. The provision now under consideration is entirely analogous."

What is said of the Act of June 25, 1896, can also be said of the 9th Article of the Treaty of 1866; that provision was in the nature of "a limitation and a condition precedent to the right claimed." No rights accrued unless the previous slave returned to and located in the Cherokee Nation within the time prescribed by the Treaty of 1866 and Section 3 of the Act of April 26, 1906, prohibited a constructive return and required an actual, personal, physical return so that if, as contended by us, the applicant did not actually and physically return within the time prescribed by the Treaty, no exemption having been made in behalf of minors, then the applicant is not entitled to be enrolled as a freedman citizen of the Cherokee Nation.

Your attention is invited to the fact that on the 29th day of June, 1905, the same attorneys filed a motion for rehearing and review and this motion for rehearing and review was doubtless considered by the Department when it affirmed the decision of the Commissioner to the five Civilized Tribes rejecting the applicant. We submit that the decision of the Department of the Interior is not against the law, nor is it against the evidence, but is in accordance with both the law and the evidence and that therefore the motion for review filed in this case on behalf of the applicant should be denied.

Respectfully submitted,

*W. W. Hastings*

Attorney for the Cherokee Nation.

CHEROKEE NATION VS. SAM BECK, CHEROKEE FREEDMAN CASE D. 775.

MOTION OF DEFENDANT FOR RE-HEARING.

Comes now the defendant in the above styled and numbered cause and by his attorneys, Zevely & Givens, hereby petitions the Honorable Secretary of the Interior for a re-opening of the above case in order that further testimony may be introduced in his behalf. Defendant states that the decision of the Honorable Commission to the Five Civilized Tribes was adverse to his being admitted as a Cherokee citizen. The record and the said decision of the Honorable Commission were forwarded to Washington on or about the 17th day of August, 1903.

Defendant states that prior to the aforesaid decision of the Honorable Commission to the Five Civilized Tribes it was impossible for him to obtain sufficient evidence to establish the fact of his residence in the Indian Territory within the period of time prescribed by law, to the satisfaction of the Honorable Commission to the Five Civilized Tribes. Defendant therefore prays that his case be re-opened and that he be permitted the opportunity to produce before the Honorable Commission to the Five Civilized Tribes additional evidence. To substantiate the grounds for this motion, defendant attaches hereto affidavits of the following persons well known to be persons of good repute and entitled to credit;- Pomp Thompson, Ben Grimmer, Sank Vann, Jenny Beck, Aaron Wright, Lucy Hill, and George Crosslin. Said affidavits are submitted to show that satisfactory evidence can be produced to the effect that Sam Beck was a resident in the Indian Territory in the spring of the year 1866. The parties making these affidavits ~~know~~ Sam Beck well and each of them testified to having seen him repeatedly during the year 1866. None of the parties are related in any way to Sam Beck <sup>except Lucy Hill</sup> nor has any of them any interest in the prosecution of his claim for re-instatement upon the rolls of the Cherokee Nation as a Cherokee Freedman.

All of which is respectfully submitted in support of the

Prayer above mentioned.

G. W. R. and L. W. R.  
Attorneys for Defendant.

---

Service of the foregoing motion acknowledged this the  
23<sup>rd</sup> day of July, 1904.

(G. W. R. and L. W. R.)  
Attorney for the Cherokee Nation.

Affidavit.

United States of America  
Indian Territory  
Western District.

SS

BE IT REMEMBERED That on this 13th day of February, A.D. 1904 before me, W. E. Lang, a Notary Public, within and for the Western District of the Indian Territory, duly commissioned and acting, came Jennie Beck, who was proved to my satisfaction by two reputable witnesses, that she is the identical person she represents herself to be, and who, upon being by me first duly sworn on her oath, deposed as follows:--

My name is Jennie Beck; my age is about 60 years. I was born and raised in the Indian Territory. I never was out of the Territory. At and during the time of the Civil War I lived at Ft Gibson, Indian Territory, and lived in that immediate vicinity for twenty-one years after the war closed.

One year after the war closed, it was in the year of 1866, Samuel Beck, my step-son, came down from Kansas with his brother-in-law, Solomon Foster. This was in the spring of 1866. They stayed here awhile when Foster went back to Kansas to get his family. Sam Beck stayed at my house at night, and was staying in and around the town. Sam Beck then went away, and the next time I saw him was along late in the fall or early in the winter of 1866. The reason I know Sam Beck came back to Ft Gibson was from the fact that his young master, Dr. Beck, came to Ft Gibson. Along in the winter he left my place, and I understand he went to his sister's house on Big Creek in the northern part of the Nation.

Witnesses to mark.

Charley Julian Bartlesville, T. mark  
William Tidwell Adm. it

Jennie Beck her mark

Subscribed and sworn to before me this 13th day of February, 1904.

My commission expires

March 17 - 1907

W. E. Lang  
Notary Public.



Affidavit.

United States of America  
Indian Territory  
Northern District.

-- SS

BE IT REMEMBERED, That on the 12th day of February, A.D. 1904, came before me, Charley C. Julian, a Notary Public, within and for the Northern District of the Indian Territory, duly commissioned, qualified and acting, Aaron Wright, who was proved to my entire satisfaction by reputable witnesses to be the identical person he claims himself to be, and who, upon being by me first duly sworn on his oath, deposed as follows:--

My name is Aaron Wright; my age is sixty-eight years. I was born and raised in the Indian Territory. In February, 1864 I started from the Indian Territory to Ft Scott, Kansas to work for the United States Government in a blacksmith shop. I arrived at Ft Scott some time in March, 1864 and worked there at my trade of blacksmithing for the Government until the shops were abandoned in 1865, and for other people, until some time in December, 1866.

I became acquainted with Samuel Beck in Ft Scott in the late summer or early fall of 1866. In the month of December, 1866, I think it was about the first of the month, Samuel Beck, Ransom Daniels, Solomon Foster, Cal Frazier, myself and some parties, whose name I do not now know, started from Ft Scott, Kansas to the Indian Territory overland with two wagons and a hack. I had one wagon, one of the parties along who came from the Creek County had the other wagon, and Solomon Foster had the hack. We did not stop on the way coming to the Territory, except to camp at night, and although I cannot say just how many days we were coming, I am positive we were not over a week. We all went direct to Ft Gibson, Indian Territory arriving there in the fore part of December, 1866, and after staying there a few days I went back to my old home leaving Samuel Beck in Ft Gibson. Ransom Daniels and Solomon Foster are now dead.

Witnesses to mark.

Sarah M. Mendenhall  
Charley C. Julian

Aaron Wright  
Affiant.

Subscribed and sworn to before me this 12th day of February, A.D. 1904.

Charley C. Julian  
Notary Public.

My commission expires Dec. 8th, 1906.

Affidavit.

United States of America  
Western District  
Indian Territory.

SS

Be it remembered, That on this 15th day of February, A.D. 1904, before me Edward M. Klein, a Notary Public, within and for the ~~Western District of the Indian Territory~~ Western District of the Indian Territory, duly commissioned and acting, came George Crosslin, to me well known to be a person of good repute and entitled to credit, and who, upon being ~~by me~~ first duly sworn on his oath, deposed as follows:--

My name is George Crosslin. My age is about 70 years. I was born in Georgia. I came to the Indian Territory when I was a small child. I have ~~lived~~ in the vicinity of Braggs and Ft Gibson ever since I came to the Territory. During the war of the rebellion I was in the Northern Army and served as a teamster under the 3rd Indian Regiment. This was under Col. Phillips. I was there at Ft Gibson when the war closed in 1865 and stayed there for about two years after the war closed, when I moved to the vicinity of Braggs and have lived here ever since.

I became acquainted with Sam Beck when he first came back from Ft Scott, Kansas. This was in the fall or spring I think of 1866. I played for dances at that time and that is why I remember of seeing Sam Beck. He use to attend dances and we associated together all the time although I was much older than he. I was in the vicinity of Ft Gibson when the cholera broke out there in 1867. I remember distinctly of seeing Sam Beck there in that vicinity during this time and remember of his being at Ft Gibson the winter before.

Mike Fields, Oma Fields, Abraham Fields Caleb Vann and others came back with Samuel Beck to Ft Gibson in order to get here before January 19th, 1867, and I am quite positive they were here in December 1866, because we use to talk about those people coming back in order to get their portion of the land.

The most of these people are now living in this vicinity. Caleb Vann and Abraham Fields are both dead but Mike Fields and Oma are living south of here about a mile .

I am not related to Sam Beck in any way and have no interest whatever in the prosecution of his claim to be re-instated in the rolls of the Cherokee Nation.

~~Exhibit A. Beck.~~

*George <sup>his</sup> Crossland*  
*mon*

Subscribed and sworn to before me this 16th day of February, 1904.

Witnesses to mark.

*Edward M. Lamy*  
*Notary Public*

*Charles Julian*  
*Levi Bentley*

NOT FROM BOND

Affidavit.

United States of America

Northern District

Indian Territory.

BE IT REMEMBERED, That on this 12 th day of February, 1904, ~~in~~ before me, Charley C. Julian, a Notary Public within and for the Northern District of the Indian Territory, duly commissioned and acting, came Ben Grimmett, who was satisfactorily proved to me that he was the person he represents himself to be, and who, upon being by me first duly sworn, deposed as follows:--

My name is Ben Grimmett; my age is about 70 years. I was born in Georgia and was a slave to Billy Grimmett. I was very young when I came from Georgia here. I was in the Indian Territory ~~for~~ up until the Civil war broke out when I went north and joined the army. I came back to the Indian Territory when the war closed. I know I was here in the spring, summer and fall of 1866, because I attended the picnic or meeting held by the liberated slaves, which took place on the 4th day of August 1866 on Grand River north of Ft Gibson. I dont know just how far from Ft Gibson it was but it was a good days travel with a wagon. I saw Samuel Beck during the winter of 1866. I saw him several times during that winter.

In the spring of 1880 I saw Samuel Beck at John Bullettes. He was working there. It was during the time when the census was taken. That is how I remember the time. I have known him ever since then and know that he has resided in the Territory.

Ben Grimmett  
his mark

Witnesses to mark.

Martha Roberts  
Arrelina Roberts

Subscribed and sworn to before me this 12th day of February, 1904

My commission expires 12/8/1906.

Charley C. Julian  
Notary Public



Affidavit.

United States of America

Western District

SS

Indian Territory.

Be it remembered, That on this 15th day of February, A.D. 1904, before me, Edward M. Lain, a Notary Public, within and for the Western District of the Indian Territory, came Pomp Thompson, to me well known to be a person of good repute and entitled to credit, and who, upon being by me first duly sworn on his oath, deposed as follows:--

My name is Pomp Thompson; My age is 67 years this coming March. I was born in Georgia and came to the Indian Territory when I was a baby. I have made my home in the vicinity of Braggs, Indian Territory ever since I was a child. During the war of the rebellion I served as a waiter to Col. Phelps at Ft Gibson. While serving as a waiter to this man Phelps was when I got acquainted with Samuel Beck. This was from 1862 on up to the present time. The next time I saw Samuel Beck was in the spring or fall of 1866. He worked around in Ft Gibson for one man and another, but stayed with Irvin Vann most of the time. I cannot state the exact time he got back to Ft Gibson from the war, but I do know that in conversation with different people it was remarked that Sam Beck got back to the Territory within the period of time allotted to freedmen to get back to the Territory. Samuel Beck was in the vicinity of Ft Gibson during the cholera year 1867. To the best of my recollection we were all there together. The reason I remember Sam Beck so well, was that at that time I used to play for dances and I remember Sam coming to the dances with the other boys.

I am not related to Sam Beck in any way nor have I any interest in his prosecution to be re-instated on the Freedman Roll.

Witnesses to mark.

Charles C. Julian  
Levi Asberry

Pomp <sup>this</sup> Thompson  
mark

Subscribed and sworn to before me this 15th day of February, 1904.

My commission expires

Jan 19, 1907

Edward M. Lain  
Notary Public.

Affidavit.

United States of America

Western District

SS

Indian Territory.

Be it remembered, That on this 15th day of February, A.D. 1904, before me W. D. McBride, a Notary Public, within and for the Western District of the Indian Territory, duly commissioned and acting, came Sank Vann, to me well known to be a person of good repute and entitled to credit, and who, upon being by me first duly sworn on his oath, deposed as follows:--

My name is Sank Vann. My age is 55 years. I was born five miles from Ft Gibson, Indian Territory. I have lived in and around Ft Gibson all my life. I first became acquainted with Samuel Beck during the civil war; this was at Ft Gibson. This was in 1864. At the general surrender or winding up of the war I saw Sam Beck again at Ft Gibson. He was living with his father then. This was in the year of 1866, in the spring. In 1867, in the summer the cholera broke out in Ft Gibson, and I remember of seeing Sam Beck the winter before in and around Ft Gibson. I cannot just locate the time when I saw him, but it was at different times during the winter of 1866. He made his home at his father's place near Ft Gibson. I am quite sure that Beck was in and around Ft Gibson during the winter months of 1866.

I am not related to Samuel Beck in any way, and have no interest in the prosecution of his claim for re-instatement.

Sank Vann

Subscribed and sworn to before me this 15th day of February, 1904.

W. D. McBride  
Notary Public.

My commission expires Sept 24 1904.

Western

24 1904

Affidavit.

United States of America  
Indian Territory  
Northern District.

SS

BE IT REMEMBERED, That on this 12th day of February, A.D. 1904 before me, Charley C. Julian, a Notary Public, acting within and for the Northern District of the Indian Territory, duly commissioned, qualified and acting, came Lucy Hill, who was proved to my satisfaction to be the identical person she claims herself to be, and who, after being by me first duly sworn, deposed as follows:--

My name is Lucy Hill; my age is about 57 years. I have lived in the Indian Territory all of my life. I was the slave of Joe Beck and Cynthia Beck. I was their slave at the time the Civil War broke out, and our home was within five miles of Hildebrand's Mill, in the Flint District, Cherokee Nation.

When the war come on my owners, Joe Beck and Cynthia Beck, took me and the other slaves south to Texas. We stayed there until the Civil war closed, when my owners said I was free. They stated to me that if I would go back to the Territory with them and work for them a year they would see that I got a home as long as I lived and that to get this home I would have to come back by a certain time. It was in the spring of 1866 when we got back to Ft Gibson. It was at this time that I met Samuel Beck. I shook hands with him on the bank of Grand River. I did not know that he was my brother until some one said that there was your brother Sam. I am positive it was in the spring of 1866 for I was bare footed. It was warm weather. The next time I saw Samuel Beck was in the late fall or early winter, I think it was December, 1866, I am sure it was before Christmas, on Big Creek, Cherokee Nation. He was then living with my brother. He also lived with me a part of the time, and put in a crop of corn on my place.

Witness to signature.

Martha Roberts

Amelia Roberts

Lucy Hill

Subscribed and sworn to before me this 12th day of February, 1904.

My commission expires Dec. 8th, 1906.

Charley C. Julian  
Notary Public.

# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT

ss

In the matter of the application of Samuel

Beck

for enrollment as a Cherokee Freedman.

No. F. D. 775'

Henry Pack, of lawful age, being duly sworn on  
oath states that on the 10th day of February, A. D., 1902, he registered  
to Samuel Beck whose postoffice is Barberville

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto  
attaches the receipt of the Postmaster at Muskogee Indian Territory;  
and that on the 15th day of February, 1902 he received the return  
card which is hereto attached, signed by the said Samuel Beck, showing  
that he had received said notice.

Henry Pack  
Subscribed and sworn to before me on this the 15th day of February A. D. 1902

J. C. Starr  
Notary Public.

120 177  
F. D.

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the

day of , 190

Attorney for applicant.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a  
true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me  
this

Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
FEB 15 1902



## NOTICE!

IN THE MATTER OF the application of Samuel Beck et al  
for enrollment as Cherokee Freedmen

Case No. F. D. 776

To Samuel Beck et al

Wartville, Mo.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on February 24th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 8th day of February, 1902.

*L B Bell*

*W. W. Hastings*

*John G. ...*  
Attorneys for the Cherokee Nation.

United States of America

Indian Territory

Northern District.

In the matter of the application of Samuel Beak for enrollment as a Cherokee Freedman.

Personally appeared before me, a Notary Public, within and for the Territory aforesaid, Samuel Beak who being first duly sworn on his oath, says that he was born in the Cherokee Nation, and is about 25 years of age; and that he has always resided in the Cherokee Nation, excepting such time as he was absent during the war of the Rebellion; that prior to the said war of the rebellion, he was the slave of Joseph Beak and Cynthia Beak, his wife, who were citizens of the Cherokee Nation.

Affiant says that he was a soldier during the war of the rebellion aforesaid, in the Union army; and that immediately after he was mustered out of the service he with several companions came to the Cherokee Nation in wagons, and arrived at Ft. Gibson at the home of affiant's parents about the latter part of September of that same year.

Affiant does not remember the year, but states that he has and will produce his discharge papers, which will show the year and the date upon which he was mustered out of the army.

Affiant further states that one, Aaron Wright, who resides at Seadey's Bluff, in the Cherokee Nation, came with him from Ft. Scott Kansas, to Ft. Gibson, and he believes that he can procure the testimony of the said Aaron Wright, to that fact if granted time in which to do so.

Affiant further states that his sister, Lucy Hall, who now resides at Nowata, was present at the home of his parents at Ft. Gibson, when he returned to the Cherokee Nation as above mentioned, and that he can procure her testimony to that effect, if

allowed time in which to do so.

The affiant states that when he appeared before the Dawes Commission, he did not fully realize the importance of producing testimony in support of his application for enrollment. He had resided all his life in the Cherokee Nation, and always been taught to believe that he would receive equal benefits with the Cherokee citizens, if the Cherokee lands were ever allotted, and his right to vote and exercise all the rights and privileges of a Cherokee citizen had never been denied.

He could not for the reasons above stated realize the difficulties of having his name placed upon the Cherokee roll, and did not make the proper and necessary efforts to procure testimony in his own behalf. He says that if his case is reopened and he is granted thirty days time, he will secure the testimony of the persons above named, together with the testimony of others, showing that he was the slave of a Cherokee citizen; that he was a soldier in the union army during the war of the rebellion; that he returned to the Cherokee Nation within six months after the treaty of 1866.

Affiant does not ask that a rehearing be granted him upon this affidavit, but only that he may be allowed thirty or sixty days, within which to secure affidavits, upon which to base a motion to reopen his said case.

Witnesses:

G. C. Carner.

Famie Sato.

his  
Samuel X Beck.  
mark

Subscribed and sworn to before me this 16th day of September, 1903.

(SEAL)

(Signed) William C. VanHoy,  
Notary Public.

Copy of discharge herewith.

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**  
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Samuel Beck,  
Bartlesville, I. T.  
Cherokee R-D-775  
Register.

TAMS BIXBY,  
T. B. NEEDLES,  
C. R. BRECKINRIDGE,  
Commissioners.

①

810 775.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
JUN 20 1901



ACTING CHAIRMAN



## MEMORANDUM OF APPLICATION.

## CHEROKEE FREEDMEN.

Date June 20, 1901

Post Office Bartlettville, S.C.

District Coos

1. Name Samuel Beck

Age 52

Owner's name Joe Beck

Citizenship

Year K.C. Page 187

No. 4435

District Coos

Parents:

Father James Beck - dead

Citizenship

Mother Lettie Beck - dead

Citizenship

2. Name of wife Mary Beck

Age 46 +

Owner's name

Citizenship

Year K.C.

Page 100

No. 2573

District Coos

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3. Languittie Beck

Year K.C.

Page 100

No. 2574

Dist. Coos

15

4.

Year

Page

No.

Dist.

5.

Year

Page

No.

Dist.

6.

Year

Page

No.

Dist.

7.

Year

Page

No.

Dist.

8.

Year

Page

No.

Dist.

9.

Year

Page

No.

Dist.

10.

Year

Page

No.

Dist.

11.

Year

Page

No.

Dist.

12.

Year

Page

No.

Dist.

Application made by

No. 1

Stenographer

Bl. Jones

1 On K.C. roll as

Sam Beck

2 " " " "

Mary Meigs

3 " " " "

Languittie Beck

1 " Wallace roll, Page 64

\*12231 - Coos

2 " " " "

" P2

\*3350 - Mary Samuel

Cross Ref. D 391

47 (710) 725

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
OCT 21 1901



ACTING CHAIRMAN

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. H. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Visita G. J. 10/19/01

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
Samuel Beck for enrollment as  
Freedmen of the Cherokee Nation.

No.

F. R. 775

Louis J. Brown  
Agent for Applicant

Mar 10/95 Indian Territory, 1-12-1905

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in Supplemental testimony

in application of Samuel Beck et al to be enrolled  
as Cherokee Freedmen

York and Girard  
Attorney for Applicant.

Wash. D.C.  
Ind. T. Indian Territory, 12/12 1904

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED

TRIBES one copy of the testimony in Cherokee Freedmen

D-775 - Samuel Beck et al applicants

Zachary Givins  
Attorney for Applicant.



Cherokee T.D. 778

Muskogee, Indian Territory, November 13, 1902.

Samuel Beck,

Bartlesville, Indian Territory.

Dear Sir:-

As requested in your letter of November 10, the certificate of your discharge from the United States Army, heretofore filed with your application for enrollment as a Cherokee Freedman, is herewith returned to you, a copy having been made and retained in the Commission's files.

Respectfully,

Acting Chairman.

Enc. M-17

COPY.

Shoshone Freedmen  
Bureau, D.C.

Shoshone, Indian Territory, July 17, 1908.

V. W. Hastings,

Attorney for Shoshone Nation,

Shohogah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1908, in the consolidated case of Joe Beck, et al., granting the applications for the enrollment of Aaron Weber, Joe Beck, Elizabeth Neigh, Andrew, Lizzie, Mattie, Charity, Nellie, Ben, Willie and Ed Abbott, Harriett, Millie M., James, Wesley and Howard E. Weber, Mary and Margaret Beck, Howard Wright and John Wright, and rejecting the applications for the enrollment of George Neigh, Sr., George Neigh, Jr., John and Fleming Neigh, Mattie Correll, Katie, Nathan and Henry T. Neigh, Irene, George and Flossie Neigh, Clara and Gertrude Correll, Mattie Weber and Samuel Beck, as Shoshone Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles.

Enc. 5-22.

Commissioner in Charge.

819775

INDEXED.

42-775

COMMISSION TO LIVE LIVES	
No.	Received
22303	
1903	AUG 15 1903

Van Hoy, W. C.,  
Bartlesville, I. T.,  
Aug. 13, 1903.

Asks status of appli. of Sam  
Beck, et al for Cher. citizenship.  
Enters his appearance as attorney  
for same.

~~CHIEF OF OFFICE~~

Cher. Div at. must be

CHIEF LAW CLERK

AUG 19 REC.

A. E. CRAVER

W. VAN HOY

R. P. GRAVAT

# CRAVER, VAN HOY & GRAVAT,

SPECIAL ATTENTION GIVEN TO CORPORATION AND PROBATE LAW

ALL LEASE BUSINESS  
AND  
PRACTICE BEFORE  
THE  
DEPARTMENT OF THE INTERIOR

OIL PROPERTIES AND CITY REAL ESTATE

ALL BONDS FURNISHED  
AGENTS AND  
ATTORNEYS  
FOR FIDELITY AND DEPOSIT TO  
OF MARYLAND

*Bartlesville, Ind. Ter.,* August 13,

1903

Correspondence to the Five Civilized Tribes,

Muskogee,

O.C.

Gentlemen;

I have the honor to herewith enter my appearance as attorney for Geo. Beck, his wife, Mary Beck, and his daughter, Lucretia Beck, applicants for citizenship in the Cherokee Nation and likely on the doubtful list.

Please have the kindness to advise me as to the status of their cases.

Respectfully,

*W. Van Hoy*

COPY

Cherokee Freedmen  
D-250 et al.

Muskogee, Indian Territory, August 17, 1908

The Secretary

The Secretary of the Interior.

Sir:

There is herewith transmitted the report of proceedings had in the consolidated case of Joe Sams et al., including the Commission's decision dated July 18, 1908, granting the applications for the enrollment of Aaron Webber, Joe Sams, Elizabeth Neige, Andrew, Elsie, Mattie, Charity, Nellie, Ben, Billy and Ned Liberty, Harriett and Millie E. Webber, Necks, Wexley and Edward E. Webber, Mary and Duquittie Neck and Edward and John Wright, and rejecting the applications for the enrollment of George Neige, Sr., George Neige, Jr., John and Flandings Neige, Mattie Carroll, Katie, Nathan and Henry T. Neige, Irons, George and Flossie Neaks, Clara and Gertrude Wrayson, Mattie Webber and Samuel Neck, as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

At the request of the attorney for the Nation there are also enclosed two copies of his general brief in the Cherokee freed-



Cherokee Freedmen  
D-778

COPY.

Muskogee, Indian Territory, August 17, 1903.

Samuel Beck,

Wartlawville, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, your application for the enrollment of your wife, Mary Beck, and your minor child, Luquittie Beck, and rejecting your application for the enrollment of yourself, as Cherokee freedman. There has heretofore been furnished your agent, Louis T. Brown, Winita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary

-2-

will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. E. Needles*  
Commissioner in Charge

Enc. 1-07  
Register.

Cherokee Freedmen  
D-77A.

Muskogee, Indian Territory, August 21, 1903.

W. G. Van Hoy,

Hartsville, Indian Territory.

Dear Sir:

The Commission is in receipt of communication from you under date of August 16, 1903, entering your appearance as attorney for Samuel Beck, et al., applicants for enrollment as Cherokee Freedmen, and asking that you be advised as to the status of their cases.

In reply you are informed that on July 10, 1903, the Commission rendered a decision in this case, granting the application for the enrollment of Mary and Inquittie Beck, and rejecting the application for the enrollment of Samuel Beck, as Cherokee Freedmen. The applicant and his attorney of record, Louis T. Brown, Vinita, Indian Territory, were notified of the action of the Commission on August 17, 1903.

You are further informed that the Cherokee Nation has protested against the action of the Commission in granting the application for the enrollment of Mary and Inquittie Beck.

Respectfully,

Commissioner in Charge.

Refer is made to the following:

Land  
33658-1903.  
33659-1903.  
31205-1903.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS.

WASHINGTON, Oct. 1, 1903.

To the Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

In accordance with the request contained in your report of August 21, 1903, the record relative to the application of Clara Grayson, et al., parties applicants in the Joe Ross, et al. case, for enrollment as citizens of the Cherokee Nation, is returned. There is also enclosed the affidavit of Samuel Ross, a party to the case, which was filed in this office by Chester Ross, Mayor of this city, who requested that action be suspended on the case for a reasonable time in order that Samuel Ross might secure further and additional proof in relation to his right to enrollment. Mr. Ross has been advised of this action.

Very respectfully,

(Signed) W. A. Jones.

Commissioner.  
ACT

C. A. N. - L. S.



Charles Freeman.

D-778.

Muskogee, Indian Territory, August 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the application of Sam Mack, et al., for enrollment as Cherokee freemen, case No. D-778, the Commission's decision in which case, dated July 16, 1903, was forwarded to the Department for review on August 17, 1903, there is herewith transmitted a motion on behalf of the applicant, by Leavelle & Sivens, Muskogee, Indian Territory, for a rehearing in this case, which motion bears evidence of service upon the Cherokee Nation's attorney. There are also inclosed affidavits in support of said motion.

Respectfully,

Encl. C-210.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.



Cherokee Freedmen

D-778.

Muskogee, Indian Territory, August 1, 1904.

Zavaly & Owens,

Attorneys For Sam Beck, et al.,

Muskogee, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of July 26, inclosing motion to reopen for a rehearing, the case of Sam Beck, et al., Cherokee Freedmen D-778, which said motion is duly supported by a number of affidavits also inclosed.

In accordance with your request the motion and affidavits have this day been transmitted to the Secretary of the Interior for proper action. You have been entered as attorneys of record in this case and will be advised of the Department's action on said motion as soon as the Commission has been informed of the same.

Respectfully,

Commissioner in Charge.

COPY.

Charles Freeman,  
D-216.

Muskogee, Indian Territory, October 14, 1904.

1  
 Messrs. Evely & Stevens,

Attorneys for Samuel Beck,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Samuel Beck, his wife and child, as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, November 15, 1904.

Said Samuel Beck has this day been notified that he will be permitted to appear on said date and introduce such testimony as he may desire in support of said application.

Respectfully,

W. B. Needles  
 Commissioner in Charge.

Registrar.

COPY.

Cherokee Freedmen,  
D-472.

Muskogee, Indian Territory, October 14, 1904.

Samuel Beak,

Bartlesville, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself, wife and child, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, November 15, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

J. B. Needles.  
Commissioner in Charge.

Register.

COPY.

Cherokee Freedmen  
D-795.

Muskogee, Indian Territory, December 9, 1904.

Levey & Givens,

Attorneys for Samuel Beck, et al.

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on September 22, 1904, in the matter of the application for the enrollment of Samuel Beck, et al., as Cherokee freedmen, together with a blank form of receipt which you are requested to sign and return to this Commission.

Respectfully,

Incl. S-77.

(SIGNED) *Tame Bibby*  
Chairman.



COPY.

Cherokee Freedmen  
D-775.

Muskogee, Indian Territory, December 9, 1904.

Bell, Hastings & Davenport,  
Attorneys for the Cherokee Nation,  
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on September 22, 1904, in the matter of the application for the enrollment of Samuel Beck, et al., as Cherokee freedmen.

Respectfully,

Incl. B-76.

(SIGNED).

*Jame Bixby.*

Chairman.



COPY

Cherokee Freedmen

D-775.

Muskogee, Indian Territory, January 10, 1905.

Sevel & Givens,

Attorneys for Samuel Beck, et al.,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on November 15, 1904, in the matter of the application for the enrollment of Samuel Beck, et al., as Cherokee freedmen, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

Incl. 8-7.

SIGNED

*Tame Dixby*

Chairman

COPY.

Cherokee Freedmen

D-275, et al.

Muskogee, Indian Territory, January 11, 1908.

Bell, Hastings & Davanport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental  
testimony taken at Muskogee, Indian Territory, in the following  
Cherokee Freedmen cases:

Freedmen D-275	Samuel Beck, et al.
Freedmen D-28	Samuel Adams,
Freedmen D-179	Calvin Goins,
Freedmen D-331	Annie Bell, et al.
Freedmen D-23	Leah Brewer,
Freedmen D-267-287	Mary A. Riley, et al.

Respectfully,

Incl. 8-15.

(SIGNED)

*Tame Dixie*  
Chairman.

COPY.

Cherokee Freedmen

D-775.

Muskogee, Indian Territory, March 13, 1905.

Mary Beck,

Bartlesville, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of March 3, 1905, asking to be advised as to the status of the application for your enrollment as a Cherokee freedman.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered you will be furnished with a copy.

Respectfully,

(SIGNED).

*Tama Bixby.*

Chairman.

COPY.

Cherokee Freedmen  
B-250, no 11.

Memphis, Indian Territory, April 14, 1906.

My Dear Sir,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Joe Ross, et al., as Cherokee freedmen, including the Commission's decision dated April 14, 1906, granting the applications for the enrollment of Joe Ross, Bartwell Grayson, Sarah Visher, Andrew Lissie, Mattie, Sharkey, Nellie, Ben, Nellie and Ned Albertson, Samuel and Elizabeth Cook, and rejecting the applications for the enrollment of Salera Grayson, Elizabeth, George W., George Jr., John and Fleming Neigh, Irene, George and Florence Neigh, Mattie Carroll, Katie, Nathan and Henry T. Neigh, Harriet, Nellie M., Mattie, Eliza, Wesley and Edward V. Visher, Mary Cook, Edward Derrick and John Wright, as Cherokee freedmen.

Respectfully,

(SIGNED) *Tams Bixby*  
Chairman.

Incl. 5-44

Through the

Commissioner of Indian Affairs,

Copy

Sherokee Freedmen

2-100, et al.

Washington, Indian Territory, April 17, 1900.

Deals, Hastings & Newberry,

Attorneys for the Sherokee Nation,

Washington, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1900, granting the applications for the enrollment of Joe Ross, Carpenter Grayson, Aaron Vahbey, Andrew, Likie, Mattie, Charlie, William Ben, Dollie and Ned Alberty, Samuel and Legittie Ross, and refusing the applications for the enrollment of Chiefs Grayson, Minabette, George Sr., George Jr., John and Fleming Neige, Ernie, George and Flench Neige, Mattie Corral, Katie, Nathan and Henry T. Neige, Harriet, Willie M., Mattie, Neane, Venley and Edward V. Vahbey, Mary Ross, Edward Harriet and John Wright, as Sherokee Freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

JAMES BIRBY

Deals, 7-11

Chairman



COPY

Cherokee Freedmen

D-793.

Muskogee, Indian Territory, April 17, 1905.

Levelly & Sivans,

Attorneys for Samuel Beck, et al.,

Muskogee, Indian Territory,

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1905, granting, among others, the application for the enrollment of Samuel and Aquittie Beck, and rejecting, among others, the application for the enrollment of Mary Beck, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 2-48  
Register.

MAILED

Tame Kirby,

Chairman.

COPY

Cherokee Freedmen

D-775.

Muskogee, Indian Territory, April 17, 1908.

Samuel Beck,

Hartlesville, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1908, granting, among others, the application for the enrollment of yourself and your minor child, Lugittie Beck, and rejecting, among others, the application for the enrollment of your wife, Mary Beck, as Cherokee freedmen. There has heretofore been furnished your attorneys, Evely & Givens, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 8-45.  
Register.

(SIGNED)

*Jane Bixby*  
Chairman.

C O P Y .

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,  
Washington.

Land,  
50749-1905.  
43223-1905.  
44630-1906.

June 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 17, 1906, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Joe Ross for himself, his sister Chlorea Grayson and her minor grand child, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Weigs for herself; by George Weigs, Sr., for himself and his minor son, George Weigs, Jr.; by John Weigs for himself; by Flemings Weigs for himself; by Irene Hanks for herself and her minor children, George and Flemen Hanks; by Hattie Carroll for herself, her sister, Katie Weigs, and her brothers, Nathan and Henry T. Weigs; by Linnie Alberty for herself, her husband, Andrew Alberty, and her minor children, Hattie, Charity, Vol-lie, Ben, Dollie and Ned Alberty; by Harriet Webber for herself, her minor child, Millie M. Webber, and her minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward H. Webber for himself; by Samuel Beck for himself; his wife, Mary and his minor child, Luquittie Beck; by Edward Derrick for himself; and by John Wright for

himself.

April 17, 1908, the Commission decided favorably to Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Hattie Charity, Nellie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck and adversely to Chlorea Grayson, Elizabeth, George Sr., George Jr., John and Flemings Weigs, Irene, George and Flenon Hanks, Hattie Carrell, Katie, Nathan and Henry I. Weigs, Harriet, Millie M., Hattie, Moses, Wesley and Edward M. Webber, Mary Beck, Edward Derrick and John Wright.

The record shows that Joe Ross, Chlorea Grayson, Aaron Webber, Elizabeth Weigs, Peter Weigs (deceased) husband of Elizabeth Weigs, Sam Webber Sr., George Weigs Sr., Andrew Alberty, Samuel Beck and Edward Derrick were slaves of Cherokee citizens at the beginning of the war of the rebellion, and that during the war they left the Cherokee Nation; that Joe Ross, Peter Weigs and Sam Webber Sr., returned to the Nation in the summer or fall of 1866 and located claims upon the public domain of the Cherokee Nation; that they then returned to Kansas for their families and removed with them to the Cherokee Nation in the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck (wife of Samuel Beck) are daughters of Peter and Elizabeth Weigs, were born in the Cherokee Nation prior to their parents removal to Kansas, and returned to the Cherokee Nation with them; George Weigs Sr., another child, returned with them at the same time. Millie M., Moses Wesley and Edward M. Webber are the minor children of Harriet Webber and possess no rights to

enrollment except through their mother, their father Ellis Webber, not having returned to the Cherokee Nation on or before February 11, 1867. Hattie Webber is a daughter of Wesley Webber and one Missy Rowe; Missy Rowe was born since 1866 and is the daughter of Jesse Rowe, the rejection of whose claim was approved by the Department May 28, 1904. George Jr., John and Flemings Heigs and Irene Hanks are the children of George Heigs, Sr., and possess no rights to enrollment except through their father, their mother, Lucinda Heigs, born Teyers, not being shown to possess any rights as a Cherokee Freedman; George and Flenon Hanks are the minor children of Irene Hanks and possess no rights to enrollment except through their mother. Hattie Carroll, Katie, Nathan and Henry T. Heigs were born since 1866 and are children of Simon and Fannie Heigs; Simon is the son of Peter and Elizabeth Heigs and returned to the Cherokee Nation with his parents. Fannie Heigs is not shown to possess any rights as a Cherokee Freedman. Andrew Alberty returned to the Cherokee Nation on or before February 11, 1867; his wife Lissie Alberty, is the daughter of Peter and Elizabeth Heigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty are their minor children born since 1866. Samuel Peck returned to the Cherokee Nation and established a residence therein prior to February 11, 1867, and has since continuously resided therein.



The minor applicant, Luquittie Beck is the child of Samuel Beck and has resided with her father since birth.

Chlera Grayson returned to the Cherokee Nation with the Webbers, subsequent to February 11, 1867; her minor grand child, Gertrude Grayson, is the daughter of Armstead Foster, who is identified on the 1880 authenticated Cherokee roll.

Edward Derrick returned to the Cherokee Nation the last of February or first of March, 1867; John Wright is his son born since 1866 and takes the status of his father.

Aaron Webber returned to the Cherokee Nation in the summer of 1866. Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and the applicants, Gertrude Grayson and Lizzie, Mattie, Charity, Nellie, Ben, Dollie and Ned Alberty have resided therein continuously since birth. None of the other applicants, nor any of their ancestors, through whom they claim, can be identified on the 1880 authenticated Cherokee roll.

There is also enclosed briefs in behalf of Edward Derrick and Mary Beck which have received due consideration.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

(COPY)

Land  
48091-1908.  
53433-1908.  
53434-1908.  
55791-1908.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

August 29, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 20, 1908, transmitting the record of the application for enrollment as a Cherokee Freedman by Mina Beck.

June 20, 1908, the commission decided adversely to the applicant.

The record shows that on July 21, 1904, the Commission rendered a decision in the consolidated case of Mina Beck et al., wherein, the application of Mina Beck as a Cherokee Freedman was denied. Thereafter, the Department approved the decision except as to the applicant, Mina Beck, and instructed the Commission to pass upon her rights as a citizen by intermarriage of the Cherokee nation, and thereafter, on January 18, 1905, remanded said case, so far as the applicant is affected for rehearing and readjudication.

It does not appear that Mina Beck is identified on the 1880 authenticated Cherokee roll, nor does it appear that she has ever been admitted to citizenship by any tribal authority

of the Cherokee Nation or by any United States Tribunal.

The record shows that Mina Beck was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Nation during the war, and did not return thereto on or before February 11, 1867. There is also enclosed a letter from Zevely and Givens, attorneys, Muskogee, Indian Territory, dated July 8, 1905, transmitting a motion for rehearing in the Cherokee freedman enrollment case of Mary Beck.

There is also enclosed a letter from Zevely and Givens, attorneys, Muskogee, Indian Territory, dated July 8, 1905, transmitting a motion for rehearing in the Cherokee freedman enrollment case of Mina Beck.

There is also enclosed a letter from the attorneys of the Cherokee Nation transmitting a brief on behalf of said Nation in the Cherokee Freedman enrollment case of Mina Beck.

These motions and briefs have received careful consideration. In view of the record and approval of the Commission's decision of June 20, 1905, adverse to the applicant is recommended.

Very respectfully,

F. B. Leupp

Commissioner.

M.M.M.(W)

Cherokee freed-  
man D. 775.

Muskogee, Indian Territory, July 6, 1906.

Samuel Beck,

Bartlesville, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting, among others, your application for the enrollment of yourself and child, Luquittie Beck, and rejecting, among others, your application for the enrollment of your wife, Mary Beck, as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by your attorneys September 7, 1905, for review of your case was denied by the Department on said date.

You are further advised that you will not be permitted to make allotment selections for yourself and child until your names have been placed upon a schedule of Cherokee freedmen and affirmed by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

MMP

Commissioner.

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Louis T. Brown,

Attorney for Joe Ross, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlora Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.P-7  
MMP



Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlora Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.P-7  
MMP

Cherokee freed-  
men D. 380 et al.

Muskogee, Indian Territory, July 6, 1906.

Blue & Bulger,

Attorneys for Joe Ross, et al.,  
Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1906, granting the applications for the enrollment of Joe Ross, et al. and rejecting the applications for the enrollment of Chlorea Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by you September 7, 1906, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-6  
NMP

Commissioner.

Cherokee Freedmen  
R 612

Muskogee, Indian Territory, August 30, 1906

Zevely and Givens,

Attorneys for Mary Beck,

Muskogee, Indian Territory.

Gentlemen:

This office is in receipt, on August 24, 1906, of a motion made by you for a review of the Cherokee freedmen enrollment case of Mary Beck. Said motion will receive the proper consideration of this office and be transmitted to the Department for action thereon at the earliest practicable date, of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

D.C. 47131

(COPY)

DEPARTMENT OF THE INTERIOR, LIE  
WASHINGTON.

J.P.Jr.

I.P.D.11026-1906.

October 26, 1906.

L. S.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

June 30, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Mina Beck both as a Cherokee freedman and as a Cherokee citizen by intermarriage, including its decision of the same date, adverse to the applicant.

Reporting August 29, 1905 (Lmd 55791), the Indian Office recommended that the decision of the Commission be approved. A copy of its letter is inclosed.

On July 8, 1905, attorneys for applicant filed motion for review and rehearing in the matter of this application. No proper reason appears for granting said motion and it is hereby denied.

The Department concurs in the recommendation made, and the Commission's decision is hereby affirmed.

Filed with the papers transmitted the Department finds a motion for review and rehearing in the matter of the application of Mary Beck for enrollment as a Cherokee freedman. This

-2-

case was considered by the Department on June 25, 1906. The Department can find no merit in said motion and it is hereby denied.

You are requested to advise Messrs. Zevely & Givens of departmental action of June 25, 1906, if it was not done heretofore.

The papers in the matter have been sent to the Indian Office for its files.

Respectfully,

E. A. Hitchcock

Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 8 to Ind. Of.



Cherokee Freedman

D 819

Muskogee, Indian Territory, November 1, 1906.

Zevely, Givens & Smith,

Attorneys for Mina Beck.

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated June 20, 1905, rejecting the application for the enrollment of Mina Beck as a Cherokee freedman, was affirmed by the Secretary of the Interior October 25, 1906.

A motion for review and rehearing filed with the papers in this case, of the Cherokee freedman case of Mary Beck is denied.

As instructed by the Department, there is enclosed herewith a copy of Departmental decision of June 25, 1906, in the Cherokee freedmen case of Samuel Beck, et al.

Respectfully,

Incl.P-12  
MMP

Commissioner.

Cherokee Freedman  
R 818

Muskogee, Indian Territory, November 1, 1906.

Samuel Beck,

Bartlesville, Indian Territory.

Dear Sir:

You are hereby advised that a motion for review  
and rehearing in the Cherokee freedman case of your wife,  
Mary Beck, was denied by the Department October 25, 1906.

Respectfully,

Commissioner.

vvp

Cherokee Freedman

D 819

Muskogee, Indian Territory, November 1, 1906.

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

There is enclosed a copy of the decision of the Department of October 25, 1906, affirming the decision of the Commission to the Five Civilized Tribes, dated June 20, 1905, rejecting the application for the enrollment of Mina Beck as a Cherokee freedman; denying a motion for review and rehearing of said case, filed July 8, 1905, and denying a motion for review and rehearing in the Cherokee freedman case of Mary Beck.

Respectfully,

Commissioner.

Incl.P-13  
MMP

( COPY )

D.C. 55848-1906.

STARR & PATTEN,

Attorneys at Law,

Vinita, I. T.

December 28nd 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee I T

Dear Sir:

Referring to the Cherokee Freedmen Enrollment cases of Luella Shaden et al and Chlera Grayson et al we beg to advise you that we have repeatedly reminded these applicants that they ought to file all of the affidavits they can secure in support of their motion for rehearing and in as much as they have given the matter no further attention the case might as well be forwarded for Departmental action as soon as your office is ready for it to go forward as we have nothing further to offer in support of this motion for rehearing.

Yours truly,

(Signed) Starr & Patten.

J.C.S.

Madison, Indian Territory, December 27, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed August 20, 1904, by Starr & Patton, attorneys for applicants, Vinita, Indian Territory, for a rehearing of the Cherokee Freedmen consolidated case of Joe Ross et. al. No. 3, 250 et al., insofar as it rejects the applicant's Elvera Grayson, et al. With their letter of October 19, 1904, said attorneys forwarded affidavits by Dunk Vann and Stephen Little, which they requested be filed in support of their motion, and they also requested that they be allowed thirty days within which to file additional affidavits in support of their motion. Since that time they have filed no new affidavits. These attorneys represent practically all of the Cherokee freedmen cases that are now pending, and they have filed a number of motions to review or reopen pending cases. They have also filed from time to time, affidavits and additional motions in support of their motions filed within the time limited by the Act of April 22, 1904. On December 21, 1904, said attorneys verbally advised the office that they had filed all of the papers they desire in connection with their motions.



Secretary-2

June 28, 1906 (I. T. D. 7532-2284-2900-1905), the Department affirmed the decision of the Commission to the Five Civilized Tribes favorable to a part of the applicants embraced in the Cherokee freedmen consolidated case of Joe Ross et al., and adverse to a part of the applicants therein. The motion referred to applies to applicants embraced in said case to whom the decision was adverse.

An examination of the original record in this case shows that the motion for a rehearing is without merit. The applicants in the case were represented in the hearing of the case by able attorneys, and a great mass of testimony was introduced in their behalf and on behalf of the Attorney for the Cherokee Nation. The motion is based upon the ground of newly discovered evidence, but there is no affidavit by any of the applicants showing that the evidence they now seek to introduce is newly discovered, or that with due diligence they could not have secured it when the case was heard before the commission. Both of the parties to the affidavits filed in support of the motion reside in the Cherokee Nation, and when the Commission was engaged in hearing Cherokee freedmen cases, they testified in a number of cases.

It is respectfully recommended that the motion for a rehearing be denied.

Secretary-3

There is enclosed a motion filed August 24, 1906, by Levely & Givens, Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in said case. The protest of the Attorney for the Cherokee Nation, filed September 26, 1906, against this motion is also enclosed. The applicant, Mary Beck, was born prior to the breaking out of the war of the rebellion, and in accordance with the provisions of the Act of Congress approved April 26, 1906 ( 34 Stat., 137), she can not claim a constructive residence in the Cherokee Nation on account of the return to the Cherokee Nation of her father, Peter Meigs. The record in this case, as well as the records in various other Cherokee freedmen cases, shows that the family of Peter Meigs, and also the families of the persons with whom Peter Meigs returned to the Cherokee Nation after the war of the Rebellion, did not return to the Cherokee Nation until subsequent to February 11, 1867.

It is recommended that this motion for review be denied.

There is also enclosed a motion for review of the Cherokee freedman case of Edward Derrick, one of the applicants in said case. This motion was filed August 24, 1906, by Roy T. Osborne and W. J. Sullivan, attorneys for applicant. This motion

Secretary-4

has no merit, for the reason that it does not point out any erroneous construction of the law in the Department's decision. It is also respectfully recommended that this motion be denied.

Respectfully,

Through the

Commissioner of Indian Affairs.

Encl. B-9

Commissioner.

(MH)

(COPY)

Refer in reply to the following:

Land.  
78-1907  
2927-1907  
53921-1906

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

January 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of the Commissioner to the Five Civilized Tribes, dated December 27, 1906, transmitting motion for a re-hearing in the Cherokee Freedman consolidated case of Joe Ross, et al., in as far as it rejects the applicants, Chlera Grayson, et al.

This motion was filed with the Commissioner on August 20, 1906, by Starr and Patten, attorneys for the applicants, at Vinita, I. T. With their letter of October 10, 1906, the attorneys furnished the Commissioner affidavits by Hank Vann and Stephen Little, to be filed in support of their motion.

On June 28, 1906 (I. T. D. 9528, 8884, 8900-1906), the Department affirmed the decision of the Commissioner favorable to a part of the applicants embraced in the Cherokee Freedman case of Joe Ross, et al., and adverse to a part of them. The motion herein applies only to the applicants embraced in Departmental decision who were rejected thereby.

In connection herewith the attention of the Department is invited to a report of Commissioner Bixby dated January 7, 1907, which is transmitted on this day in connection with the

Cherokee Freedman case of Chlera Grayson, et al., with which is enclosed copy of letter from Starr and Patten, attorneys for the applicants, dated December 23, 1906, saying that they have repeatedly called the attention of the applicants to the necessity of filing further affidavits in support of their motion for a re-hearing, and that they have given the matter no further attention. For this reason they say they have nothing further to offer in support of the motion.

The record in this case shows that the applicants were represented in the hearing by able attorneys and a great mass of testimony was introduced on their behalf and on behalf of the attorneys for the Cherokee Nation. The motion is based on the ground of newly discovered evidence, but in view of the letter from the attorneys for the applicants saying that no further affidavits will be filed in support of the motion, and of the further fact that it is not shown that with due diligence the evidence could not have been secured when the case was heard before the Commission, it is recommended that the motion for re-hearing be denied.

There is also enclosed a motion filed with the Commissioner to the Five Civilized Tribes, August 24, 1906, by Havelly and Givens, of Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in the case of Joe Ross, et al. The protest of the attorney for the Cherokee Nation, filed with the Commissioner September 26, 1906, against this



motion, is also forwarded herewith.

The record herein shows that Mary Beck was born prior to the breaking out of the War of the Rebellion, and in accordance with the provisions of the Act of April 26, 1906 (34 Stat. L., 137), she cannot claim constructive residence in the Cherokee Nation on account of the return thereto of her father, Peter Meigs.

The record further shows that the family of Peter Meigs, and also the families of persons with whom he returned to the Cherokee Nation after the war, did not return until subsequent to February 11, 1867. It is recommended that this motion for review be denied also.

Edward Derrick, one of the applicants in the case of Joe Ross, et al., by his attorneys, Roy F. Osborne and W. J. Sullivan, filed a motion for re-hearing with the Commissioner on August 24, 1906, which is enclosed.

As this motion fails to point out any erroneous construction of the law in the Department's decision, it is recommended that it be denied.

The record in the case is herewith enclosed.

Very respectfully,

C. F. Larrabee,  
Acting Commissioner.

AJV-D

record. In regard to the motion for rehearing, the affidavits submitted show no evidence not heretofore considered by the Department. The record is voluminous, and it would appear that in the five years elapsing since the filing of this application ample time has been given to permit the applicants, by the exercise of due diligence, to have secured the necessary evidence to establish their rights as Cherokee freedmen.

The motions for review point out no specific error; one alleges error in your decision, when in fact the decision in the case was made by the Commission to the Five Civilized Tribes.

The three motions transmitted are without merit. They are hereby denied.

The papers are returned for the files of the Indian Office.

Respectfully,

Thos Ryan  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 28 to Ind. Of.

(COPY)

JF Jr

DEPARTMENT OF THE INTERIOR,      LLB  
WASHINGTON.

I.T.D. 1866-1907.  
D.C. 6292-1907.

January 29, 1907.

LLB

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On January 18, 1907 (Land 2737), the Indian Office transmitted your report dated December 27, 1906, submitting for departmental consideration a motion for rehearing filed in behalf of Chlorea Grayson et al., a motion for review filed in behalf of Mary Beck, and a motion for review filed in behalf of Edward Derrick, the last two motions involving persons who are parties to the first motion.

The attorney for the Cherokee Nation files protests which apparently covers nearly all of the parties named in the motions. Argument is also submitted by the attorneys for Edward Derrick.

You recommend, for reasons set forth in your report, that all the motions be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department has considered these motions, together with the few supporting affidavits filed, the argument of attorneys on behalf of the applicants and the nation, and the original

Cherokee F.  
R 611.

Muskogee, Indian Territory, February 15, 1907.

Starr & Patten,

Attorneys for Chlera Grayson, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that a motion, filed by you August 20, 1906, for a rehearing of the Cherokee freedmen enrollment case of Chlera Grayson, et al., was denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-1  
JMH

Commissioner

Cherokee F.  
Roll et al.

Muskogee, Indian Territory, February 15, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of Chlora Grayson, et al., filed August 20, 1906, and motions for review of the Cherokee freedmen enrollment cases of Mary Beck and Edward Derrick, filed August 24, 1906, were denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-12  
JMH

Commissioner.



Cherokee F.  
R 812

Muskogee, Indian Territory, February 15, 1907.

Mary Beck,

Bartlesville, Indian territory.

Dear Madam:

You are hereby advised that a motion for a rehearing, filed August 20, 1906, and a motion for review, filed August 24, 1906, in the Cherokee freedmen enrollment case of yourself, et al., were denied by the Secretary of the Interior, January 29, 1907.

Respectfully,

JMH

Commissioner.

Cherokee F.  
R 812

Muskogee, Indian Territory, February 15, 1907.

Sevely & Givens,  
Attorneys for Mary Beck,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that a motion for review of the Cherokee freedman enrollment case Mary Beck, filed by you August 24, 1906, was denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-8  
JMH

Commissioner.

FIELD  
-26014-

RSC-AKD-ENC.

DC-11594-1909

DEPARTMENT OF THE INTERIOR,  
UNITED STATES INDIAN SERVICE,  
UNION AGENCY,

C

Muskogee, Oklahoma, May 4, 1909.

SUBJECT:

M

In re complaint of  
Mary Beck, rejected  
Cherokee Freedman.

-----  
The Commissioner

To The Five Civilized Tribes,  
Muskogee, Oklahoma.

Sir:

Returning herewith all papers enclosed in your letter of April 29, 1909, relative to complaint of Mary Beck, rejected Cherokee Freedman, I beg to advise that this matter has heretofore been investigated by this Office and full report was made to the Department concerning same under date of April 27, 1909. I enclose herewith a copy of my report to the Department.

Respectfully,

(Signed) Dana H. Kelsey  
United States Indian Agent.

Cher. Fr. R-813

Cher. Fr. R-813

Trans. from Cher. FrD 407

File with Cherokee Freedman, v-407, *North Walker*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 22d 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C.R. Breckinridge, testified as follows:

- Q What is your name? A Elizabeth Meigs.  
Q How old are you? A I don't know my age.  
Q About how old are you? A I was four years old when we came here with the old settlers.  
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.  
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.  
Q What is your post office? A Centralia.  
Q In what district do you live? A Cooweescoowee.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.  
Q Who do you want to have enrolled besides yourself? A My children.  
Q Have you any children under twenty-one years old? A No sir.  
Q They will have to apply for themselves then? A (No response)  
Q Have you a husband? A No sir he is dead.  
Q Then you only apply for yourself? A Yes sir.  
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.  
Q How long have you been called Meigs? A Ever since I was nothing but a girl.  
Q Were you married to a man named Meigs? A Peter Meigs.  
Q Is he dead? A Yes sir, five years ago in September.  
Q Was he a Cherokee Freedman? A Yes sir.  
Q Were you a slave in the Cherokee Nation before the war? A Yes sir  
Q To whom did you belong? A Reuben Daniel.  
The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.  
Q Are any of your family on that roll that you know of. A Yes, sir, Alice Sanders is on it, she is a daughter of mine, Alice is.  
The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:  
Page 185, No. 2838, Alice Sanders, Cooweescoowee district.  
The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.  
Q Did you draw your Cherokee strip money? A Yes sir.  
The Kerne-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:  
Page 100 No. 2512, Eliza Meigs, Cooweescoowee district.  
Q Did you ever go by the name of Daniel? A Yes sir them was my owners.  
The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:  
Page 182, No. 40, Elizabeth Daniel.  
Note: Wife of Peter Meigs.  
Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:  
Page 131, No. 2748, Elizabeth Meigs, Cooweescoowee district.  
Q Where were you during the civil war? did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.  
Q When did you come back? A In the winter of '66.



- Q What time in the winter? A Well it was in the winter.
- Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
- Q When did he bring you down? A In the winter after he went from here on Big Creek.
- Q He came ahead of you then? A Yes sir.
- Q What time did he leave Kansas? A I cannot tell you when he first came.
- Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '05.
- Q Did he leave Kansas in the winter? A Yes sir.
- Q Was he down here when Christmas came? A Yes sir.
- Q Do you know how long it was before Christmas before he started to come here first? A No sir I don't.
- Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
- Q How long after Christmas before you and he started down here together? A Directly after.
- Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.
- Q What members of your family came down with you and your husband? A These children.
- Q Did you bring your child Alice Sanders with you? A Yes sir.
- Q All the children? A Yes sir.
- Q Can you explain why you are not on the roll of 1890? A No sir.
- Q Do you know why you are not on that roll? A No sir I don't know nothing about the rolls.
- By W. W. Hastings, Cherokee Representative:
- Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
- Q Where were you living in Kansas then? A Fort Scott.
- Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
- Q Was it as much as a couple or three weeks? A Yes sir I guess so.
- Q And then you started down here? A Yes sir.
- Q Was it in the spring of the year when you reached here? A No sir in the winter.
- Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there weren't no buds nor nothing on the trees, it was winter I tell you.
- Q You all came in wagons did you? A Yes sir.
- Q Who came with your husband down here when he first came? A Old man Mike Sanders.
- Q Who else? A Nathan Sanders.
- Q Who else? A Daniel Sanders.
- Q Anyone else that you remember? A There was Little Sam Webber and old man Sam Webber.
- Q Any other Webber? A Aaron Webber.
- Q Did anyone else come down? A I don't remember anyone else now.
- Q Were you there when they started down? A We all come together I am telling you.
- Q But I mean when your husband came on in advance of you. Who came with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
- Q You were at Fort Scott then? A Yes sir.
- Q And they all started together? A Yes sir.
- Q These that you have named are all the you can think of at the present time? A Yes sir.
- Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.

- Q And after Christmas you all came down did you? A Yes sir.
- Q Did you come in wagons then? A Yes sir.
- Q Did you come by a little place called Ochetopa? A Yes sir.
- Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
- Q And you are living there yet? A Yes sir, that old house was built in '88.
- Q What house? A That one we is living in.
- Q And you are living at the same old place? A Yes sir, in the same old house.
- Q On what creek is that? A Big Creek.
- Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
- Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
- Q Did you see anyone from Ochetopa along the road through the Nation to Big Creek when you came there? A No sir.
- Q Did these people who first came down with your husband return with him and then come down again when your family well came after Christmas? A Yes sir.
- Q You all come back together? A Yes sir.
- Q Now Auntie, did any additional people - any other families come down with you? A I don't know who all come down, I am just telling you what I know.
- Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
- Q Did Aaron Webber come? A Yes sir.
- Q And your family? A Yes sir.
- Q Are there any that I missed? A That is all that I gave you.
- Q Is that all that come? A Aaron Wright come with us.
- Q Who else? A (No response)
- Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
- Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
- Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
- Q Who? A Lunie Riley was there on Verdigris, but now where we was living.
- Q How far from where you settled? A I don't know how far.
- Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
- Q Were they the closest residents to you at that time? A Yes sir.
- Q Were there any Delaware Indians there when you come there? A No sir I never saw none.
- Q Any Deages? A No sir, never saw none.
- Q You didn't see anybody on Big Creek, neither white or back, except those that came with you? A That is all.
- Q And you have been there ever since? A Yes sir, ever since we moved there.
- Q You say your husband Peter Meigs built a house there? A There is a log house there and he bought the house and we moved to it.
- Q Who built the house if you know? A Henry Harold.
- Q Was he a colored man? A Yes sir.
- Q Is he living? A I don't know if he is or not.
- Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
- Q They didn't admit him then did they? A I don't know sir.
- Q You know he was disputed? A I don't know nothing about it, I never paid any attention to any such things as that then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States Court or Commission? A I don't understand what you say.

Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my men enrolled us before he died.

Q I mean in court? A That is what I am telling you.

Q You know what a court is don't you? A Yes sir.

Q What court do you know? A Kerns Clifton court.

Q Any other court that you know of? A I know of the Wallace court.

Q Any others? A No sir.

Q Did he ever have anything done about your case by the Cherokee Council? A I don't know what was done, my men went there every year or two but I don't know what was done there.

Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.

Q Have you any witnesses with you that you want to introduce?

A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant.

(Examined by the Commission)

Q What is your name? A Ruben Sanders.

Q How old are you? A I suppose I am about 50.

Q What is your postoffice? A Centralia.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.

Q Who did you belong to? A James Sanders.

Q Were you taken to Kansas during the war? A Yes sir.

Q You have a wife named Alice have you? A Yes sir.

Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 175, No. 2657, Reuben Sanders, Cooweescoowee district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.

Q What court? A The Chambers Court.

Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.

Q In what year was that? A I can't tell what year it was.

Q Your citizenship had been disputed had it? A Yes sir.

Q When was your right to citizenship first disputed? A It was during the time that Thompson Oochelita was chief.

Q Was that before the 1880 roll was made? A Yes sir.

Q Did the Court decide in your favor? A Yes sir.

Q Was there any dispute made then about your being put on the 1880 roll? A No sir.

Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.

Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.

Q Where did they take your name? A I was in Coosneck Bend, at the time.

Q Do you know the applicant Elizabeth Meigs? A Yes sir.

Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was?

A Yes, sir.

Q Did he go before the court at the same time? A No sir, I think not.

Q His wife's claimants were also disputed? A I judge so.

Q Did she go down before that court? A Not to my knowledge.

Q Did he go down to the court before that time? A Yes, sir I think he went down to the Ben Daniels court, think he went with my father.

Q Was Bob Daniels chief justice of that court? A Yes sir.

Q Just a few years after that war? A Yes sir.

Q In '77 wasn't it? A Yes sir.

Q Was any action taken in that court? A I don't know.

Q You were there yourself? A No sir.

Q You were about 15 or 16 years old when you came back? A Yes sir I guess so, I don't exactly know how old I was.

Q You were not married then? A No sir.

Q How long after you got back before you married? A Not very long after I got back.

Q Did you marry on your way down here? A No sir.

Q How long had you been here before you married? A I have been married twice.

Q How long had you been here before you married the first time? A Not very long.

Q As much as a year? A May be so.

Q Is that your best judgment? A My best judgment is perhaps that it was that long.

Q When were you married to your present wife? A Upwards of 30 years, or so.

Q How long did you live with your first wife? A Not very long, she died.

Q A Year? A Perhaps it was, maybe a little longer.

Q Then you married your present wife? A Yes sir.

Q When you came to the Cherokee Nation how did you come the first time? A In wagons.

Q The first time? A Yes sir.

Q Who came with you? A Several were on horse-back; it is beyond my knowledge how many there were.

Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.

Q Did you come in August? A Yes sir.

Q Who came with you then? A Some of this family, Peter Maize and got his loads, the heads of these families.

Q Who else came with you? A My brother Ben and the Whitesides.

Q Which ones? A Several.

Q Which ones? A Rose and Dennis, and the Webbers.

Q Name them? A Old man Ben and younger Ben and Little Aaron, and a man named Abe Plummer, and the Halls, and I don't know who else, I don't know who all come.

Q Who came when you came in October? A I don't know who all come then, so a of that same crowd and some more come in October.

Q So you remember any additional persons? A To the best of my knowledge the Smith family.

Q What was his first name? A Old man Daniel Smith.

Q You came in both of the detachments yourself? A No sir.

Q Which one did you come in? A I came in August.

Q You didn't come in October then? A Yes sir, I came then we first came; we brought some of our farming utensils what we came in August and left the on the creek.

Q On Big Creek? A Yes sir.

Q Where Mrs. Maize lived? A Yes sir.

Q And you returned in October, how long did you stay in October?



A We didn't all return in October, we didn't all go back, some staid in August, some staid and some come back: some of us brought our things with us and some come to look out homes, we all come with the intention of making our homes here.

Q Then did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.

Q What time in the winter? A Long in January.

Q You mean in '67. A No in the winter of '66.

Q Is you come here in the August and October of '66 and then returned for your families and come back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we come here in the winter of '66 is what I said, in January after we had first been here in August and October, we come right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.

Q What was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possibly can remember of who come with you in the January of February following?

A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.

Q I dont mean only of that family, there were other families were there not? A Old man Billie Porman.

Q Who else? A He had several children.

Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.

Q Were any of the Webbers along? A Yes sir.

Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I had forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.

Q Did his son Sam come? A Yes sir.

By W. W. Hastings:

Q Dont you remember anyone else? A Rachel Webber.

Q Do you think of anyone else? A No sir.

Q You know that is was a mooted question before the Kansas Glitter Commission as to whom came at this time and us to when you come? A I havent been interested as to anyone except for myself.

Q You know that there is a question about who came dont you? A Yes sir I guess I do.

Q You say you came to Big Creek? A Yes sir.

Q Did you come by the way of Chatopa? A Yes sir I guess that we did, I dont know that they called it Chatopa then, there was a house or so there.

Q Did you cross the river there? A What river.

Q Neosho? A No sir.

Q You didn't cross at the Clinton ferry? A No sir we crossed 20 or 30 miles from there.

Q You came through what is Chatopa and came on west through the prairie? A We may have.

Q You were in wagons? A Yes sir.

Q Were there any persons living on any of that country from Chatopa west to Big Creek except your own people who had come in August or October before that? A I have no knowledge of anyone living there before that.

Q Were there any houses there except those that your crowd built?

A I dont know of any houses, but there were foundations for them on Big Creek.

Q Then the houses were not built before you moved there with your

families? A Yes sir some were, there were logs on some up 8 or 10 logs high.

Q Then there were none really completed until you moved there with your families? A No sir.

Q Did you make a crop there the first year that you moved there?

A Yes sir, as near as we could with our horse plows and hoes.

Q Do you know Jim Martin? A Yes sir.

Q How far does he live from you now? A 4, 5 or 6 miles.

Q Was he living there when you people moved there? A No sir.

Q He had a brother named William Martin? A Yes sir.

Q Was he living out there then? A No sir.

Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we came there.

Q Was his name Dick Carter? A I think it was.

Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He came some time after.

Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gilstrap ferry.

Q There was no farms made there when you passed through - no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66?

A Yes sir.

Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.

Q You didn't bring your families with you then? A Only part of them and some things that we had.

Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you?

A No sir.

Q Did Peter Meigs bring any family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Kansas? A I think with my father.

Q You came yourself in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q Then did Peter Meigs go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q Then you returned to the Cherokee Nation again in October?

A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir not all of them came in October.

Q There was Peter Meigs in October? A He came with us at each trip.

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October?

A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That made the second time that Peter Meigs had been here?

A Yes sir.

Q There was Peter Meigs in Christmas of '66, do you know? A No sir I don't exactly know where he was in Christmas of '66.

Q When Peter Meigs got back to the Cherokee Nation with his family



- did he settle in the Cherokee Nation near your family? A Yes sir.
- Q How far apart? A Two or three hundred yards apart.
- Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.
- Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.
- Q You stated here what? A Yes sir.
- Q When did you come? A In the winter.
- Q Was it in February? A Just have been in December.
- Q What about that February trip you spoke of? A It was in the winter some time. Snow was on the ground.
- Q Did your father come at that trip? A Yes sir.
- Q Your mother? A Yes sir.
- Q Peter Meigs? A Yes sir.
- Q His wife? A Yes sir.
- Q That was your third trip? A Yes sir.
- Q Was that your last trip? A Yes sir.
- Q When did your wife Alice come? A Come then.
- Q On that third trip? A Yes sir.
- Q You say Peter Meigs made all three trips with you? A Yes sir.
- Q Every time you came he came? A Yes sir.
- Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
- Q Did he go there by himself? A No sir.
- Q Do you remember distinctly that you came here in August the first time? A Yes sir.
- Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.
- Q Do you remember distinctly that he came with his family when you made your third and last trip? A Yes sir.
- QQ With his family? A Yes sir.

By Com'r Brockinridge: The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil War. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1890. The testimony indicates that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1865, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicates that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Cherokee court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and it possible to get an official copy of the record. Under these conditions, the applicant will not be listed for enrollment on a general card and the final

decision of the Commission will be made known to her at her postoffice address.

Chas. von Weise, being sworn stated that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.  
Subscribed and sworn to before me this the 8th of May, 1901, at Chelsea, I.T.

E. Med. T. B. Needles,  
Commissioner.

-----  
Supplemental:

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman.

REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.

Q How old are you? A I am only about 50 past.

Q You gave testimony just now in the case of Elizabeth Meigs?

A Yes sir.

Q An' you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867, when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.

Q How did you find out now it was January instead of February?

A It was just after Christmas that we was on the road coming down. Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas - a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking we was with us, in our crowd, that was just the following - a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.

Q Where did you say that killing took place? A In Kansas.

Q Fort Scott? A Yes sir.

Q And the man that was accused of the killing was named what?

A Named Mackey.

Q You remember his first name? A No.

Q You remember the man who was killed, you got his first name?

A No sir I do not.

Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No, I don't know nothing about that part of it.

Q You know what country Scott is in? A In the  
Q We called your attention to this error? A I thought we were  
I talked my own mistake to it. I was studying over it. I did.  
Q You know now it was only a few days after Christmas? A Yes sir,  
a few days after Christmas.

Doc's Bookkeeping: This statement, will be filed as  
supplemental in the Bureau case, to be considered in  
connection with the former statement of the witness, and the  
other evidence relating to the case in question.

H. B. Deane, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he correctly recorded  
the testimony and proceedings in this case and that the foregoing is  
a true and complete transcript of his stenographic notes thereof.

Signed, H. B. Deane.

Subscribed and sworn to before me this May 23, 1901.

Signed, C. F. Brookbridge,

Commissioner.

Bruce C. Jones, being duly sworn, says that as stenographer to  
the Commission to the Five Civilized Tribes he copied the foregoing,  
and the same is a true and correct copy from the original.

*Bruce C. Jones*

Sworn to and subscribed before me this 24th of May, 1901.



Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 23, 1901.

In the matter of the application of Harriet Webber for the enrollment of herself, one child and one adopted child, as Cherokee Freedmen; being sworn and examined by Commissioner Breckinridge, she testified as follows:

- Q You have been sworn; give your name? A Harriet Webber.  
Q How old are you? A About 40, I guess.  
Q What is your post-office? A Wimer.  
Q In what district do you live? A Cooweescoowee.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Do you want to apply for anybody besides yourself? A Yes sir.  
Q Have you a husband you want to apply for? A No sir, I am a widow with two children.  
Q Just yourself and two children? A Yes sir, two children under age.  
Q And that is all? A Yes sir.  
Q How long have you lived in the Cherokee Nation? A Near about all my life.  
Q Were you born in the Cherokee Nation? A Yes sir.  
Q Have you ever lived anywhere else? A Yes sir.  
Q Where have you lived? A Went to Kansas.  
Q During the War? A Yes sir.  
Q When do you claim to have come back from Kansas? A In '86.  
Q With the exception of that absence, do you claim to have lived in the Cherokee Nation all your life? A All my life, yes sir.  
Q Give me the name of your father? A Peter Meigs.  
Q Is Peter Meigs dead? A Yes sir.  
Q Give me the name of your mother? A Elizabeth Meigs.  
Q She is alive is she? A Yes sir.  
Q Is she the old lady who applied yesterday? A Yes sir.  
Q How many times have you been married? A Twice.  
Q How long since you married the first time? A About 27 years.  
Q To whom were you married then? A Ellis Webber.  
Q Is he dead? A No sir.  
Q Is he a Cherokee Freedman? A Yes sir.  
Q How long did you and he live together? A About 10 years.  
Q And then you parted, did you? A Yes sir.  
Q Did you get a divorce from him? A No sir.  
Q How long since you married your second husband? A About four or five years.  
Q Give me his name? A Jesse Roe.  
Q Is he alive? A Yes sir.  
Q Have you and he parted? A Yes sir.  
Q How long did you live with Jesse Roe? A A year I guess.  
Q Is he a Cherokee Freedman? A Yes sir.  
Q Give me the names of your children? A Millie May Webber.  
Q How old is that child? A About 15 years old.  
Q Give me the name of the next child? A Hattie Webber.  
Q How old is Hattie? A 3 years old.  
Q You call her Webber too do you? A Yes sir.  
Q Are these children both living now? A Yes sir.  
Q Who is there here who knows that you were married to Webber?  
A My brother here.

GEORGE MEIGS, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give your full name? A George Meigs.  
Q How old are you? A About 60, I guess.  
Q What is your post-office? A Wimer.  
Q What kin are you to the applicant here? A Brother.  
Q How many times has she been married? A Twice.  
Q What was the name of her first husband? A Ellis Webber.



Harriet Webber, et al 2

- Q And of her second husband? A Jesse Roe.  
Q Was she ever married except to these two men? A No sir.  
Q How many children has she? A Well, she will have to count them.  
Q How many I mean how many that are under 21? A Way just two.  
Q What are their names? A Millie is the oldest one, and the other one is Hattie.

Applicant: Grand-child.

- Q Hattie is her grand-child? A Yes sir.

Applicant, HARRIET WEBBER, re-called and further examined;  
By Commissioner Breckinridge;

- Q Isn't Hattie's mother living? A Yes sir.  
Q Well, the mother must apply for her? A She was adopted in my family; she was give to me from her birth.  
Q Give me the name of Hattie's mother; Hattie's mother is your child isn't she? A No sir, Jesse Roe's daughter; my last husband's daughter; his daughter's child.  
Q Well, give me the name of Hattie's mother? A Missie Roe.  
Q How old is Missie Roe? A I couldn't tell you.  
Q Is she a young woman? A Yes sir, she is about 19 years old.  
Q How long has she lived in the Cherokee Nation? A All her life.  
Q She is a child of Jesse Roe you say? A Yes sir.  
Q About how old is Jesse Roe? A I couldn't tell you.  
Q Is he as old as you? A Older than I am.  
Q Now give me the name of Missie Roe's mother? A Her name was Lizzie Roe.  
Q Is she dead or alive? A She is dead.  
Q How long has she been dead? A Oh I don't know how long she has been dead.  
Q Long time, has she? A Yes sir.  
Q What was Lizzie Roe's name before she was married? A I couldn't tell you; I wasn't acquainted with her before that.

1857 authenticated roll of citizens of the Cherokee Nation examined for applicant, and name not found;  
1896 census roll of citizens of the Cherokee Nation examined for applicants and names not found;

Kerns-Clifton roll of citizens of the Cherokee Nation examined and applicants identified as follows:  
page 128 #3198 Harriet Webber, Coowasagowee District;  
page 128 #3199 Millie Webber, Coowasagowee District;  
Kerns-Clifton pay roll of citizens of the Cherokee Nation examined for Missie Roe, and not found.  
1896 census roll of citizens of the Cherokee Nation examined for Missie Roe and not found;  
Wallace roll of citizens of the Cherokee Nation examined for Missie Roe, and not found;

Wallace roll of citizens of the Cherokee Nation examined for applicant and identified as follows:  
page 150 #3124 Harriet, Webber, Coowasagowee District.

Wallace roll of citizens of the Cherokee Nation examined for Millie Webber and name not found;

Wallace roll of citizens of the Cherokee Nation examined for Ellis Webber, and found on  
page 150 #3114 Ellis Webber, Coowasagowee District.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined for Ellis Webber and name not found;

Harriet Webber et al , 3

1880 authenticated roll of citizens of the Cherokee Nation examined for Ellis Webber and not found;  
1896 census roll of citizens of the Cherokee Nation examined for Ellis Webber, and not found.

Q Was Ellis Webber ever married before he married you? A No sir, not as I know of.

Q Were you ever married before you married him? A No sir.

Witness, GEORGE MEIGS, re-called, and further examined;  
By Commissioner Brackinridge:

Q Do you know whether Ellis was ever married before or not?  
A No sir, he wasn't.

Applicant, HARRIET WEBBER, re-called, and further examined;  
By Com'r Brackinridge:

Q Have you ever got a divorce from Jesse Roe? A No sir.

Q You want this child enrolled as Hattie Webber, do you? A Yes sir.

Com'r Brackinridge: The applicant applies for the enrollment of herself, one child and an adopted child; she makes no application for a husband; she has been separated from both of her former husbands; the applicant is identified on the Wallace roll and the Kerns-Clifton roll, but not upon the roll of 1880 or upon that of 1896; she claims to have lived in the Cherokee Nation all her life, except an absence during and immediately after the Civil War; her change of name arising from marriage is established by satisfactory testimony; she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and for further testimony in this case there will be filed the evidence in the case of her mother, Elizabeth Meigs, whose application was taken on yesterday; the applicant's child, Millie May Webber, is said to be living at this time, and to be 15 years of age; this child is identified on the Kerns-Clifton roll; it is shown that the applicant and this child's father were united in lawful marriage, and the said child's father, Ellis Webber, who is still living, but from whom the applicant was separated some 10 years ago, and from whom she has never procured a divorce, is identified on the Wallace roll, and none other; in addition, therefore, to the claim this child may have through its mother, there is a possible claim through its father, and when he applies for enrollment reference should be made to his case, if necessary, to finally determine the status of this child, which will now be listed for enrollment as a Cherokee Freedman on a doubtful card;

As for the grand-child for whom the applicant applies, it is only a grand-child by law, if being the grand-child of her second husband, Jesse Roe, with whom she lived about one year after her marriage some four or five years ago, and after that period of married life they parted; Jesse Roe is said to be still living; Jesse Roe's daughter who is said to be the mother of this child, Minnie Roe by name, is still living; she is not identified upon the 1896 roll or upon the Kerns-Clifton roll, nor is she identified upon the Wallace roll; this child last in question, Hattie Webber as she is now called, is 5 years of age, and consequently is too young to be upon any roll; nothing is found at this time to indicate the right of this child to enrollment, but at a later period some status may be developed through the application of the child's mother, Minnie Roe, and its grand-father, Jesse Roe; at the present, therefore, the child will be placed upon a doubtful card as a Cherokee Freedman, and the applicant is desired to file with



Harriet Webber et al A

the Commission a certificate of its birth.

-----  
M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this May 24, 1901.

W. McKinnon

Commissioner.

File with Cherokee Freedman, D-407, Harriett Webber.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Winita, I.T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;  
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Ninth Article of the Treaty of 1856.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Robert Meigs.

Q Where do you live? A I live five miles southwest of Tahlequah.

Q What is your postoffice? A Park Hill is my postoffice.

Q How old are you? A I am 56 my next birthday.

Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '84 to '66.

Q Did your people own any slaves before the war? A Yes sir.

Q Do you know whether they owned a woman by the name of Elizabeth?

A No, sir.

Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.

Q Well, did you know Peter Meigs? A Yes, sir.

Q Do you know what his wife's name was when the war broke out?

A Betsy they called her.

Q Well, was she living, Betsy, at the time the war broke out?

A Yes, sir.

Q Well, did you ever know her by any other name than Betsy?

A Bettie.

Q There was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.

Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.

Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.

Q Did you ever see Peter Meigs and his family after the war? A Yes, sir, see Uncle Peter.

Q What year was that? A Sometime after '71.

Q What were the circumstances as to your seeing him or meeting him?

A My he had come down to Council to see about fixing up his rights, and he come down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes, sir.

Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned way it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes; in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late; is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and T-775, and the sub-references.

\*\*\*\*\*

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

*Bruce G. Jones*

Sworn to and subscribed before me this the 7th of November, 1901.



Commissioner.

To be filed with F. D. 407.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. May, 13, 1902.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.  
Applicant appears by L. T. Brown.

MRS. LYDIA RAPTON, being first duly sworn testified as follows:

- MR. HASTINGS: What is your name? A. Mrs. Lydia Barton.
- Q What is your postoffice? A. Fort Scott, Kansas.
- Q Do you hold any official position at the present time? A. Yes, sir.
- Q What is it? A. County Clerk.
- Q Of the county in which Fort Scott is located? A. Yes, sir.
- Q Have you an official paper? A. Yes, sir.
- Q What is it? A. Our official paper at the present time is the Republican but that changes you know from time to time.
- Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A. Yes, sir.
- Q What was it? A. The Fort Scott Monitor.
- Q Are you required to keep files of this paper in your office? A. We are.
- Q Have you a file of the official paper including December 22, 1866, up to and including March of 1867? A. Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another Murder."

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.

Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 22nd inst., after dark, Mr. Dyer Hayford, of this city, was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Rigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott Mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Mangrove was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. T. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Varden, and P. L. Phillips. The body of Mr. Hayford having been removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Ers. J. S. Redfield and B. F. Hepler had a post-mortem examination, and testified that they found four pistol or ball-shot wounds on the body surface of Iyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said not; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.



Harry Linder, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey's. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard the call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Margrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.

Murderer of Hayford Captured and Hung.

Tragical events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton. Edward Coe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Mefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetery where it was interred.

#### Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Macke and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated know of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

Q. MR. HASTINGS: What's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '66, December? A I have lived there ever since '62.

Q Did you know Dyer Hayford? A Yes, sir.

Q Had you known him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q Who? A Eli Hickey.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called Deacon Jones.

- Q That this other man here with you? A Yes, sir.
- Q About how long after this reported killing? A I heard two shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. from the time the shots fired I wouldn't it was more than twenty minutes.
- Q Twenty minutes? A Yes, sir.
- Q Had it become generally known at the time of the arrest? A No, sir.
- Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
- Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
- Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
- Q Was he put in jail? A Yes, sir.
- Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 26th I think it was.
- Q Of February following, of '67? A Yes, sir.
- Q Well did he make his escape? A He got away.
- Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
- Q Ed Coe was the turnkey was he? A Yes, sir.
- Q I will ask you then if there was any searching parties out for this man? Yes, sir.
- Q For how long? I think he was killed on the 20th of March.
- Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
- Q Well were there quite a number of people out searching for him? A Yes, sir.
- Q Considerable excitement at that time? A Yes, sir.
- Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
- Q Up until that time? Yes, sir.
- Q You say that was for about three weeks? A Yes, sir, something over three weeks.
- Q From the 26th of February up until about the 20th of March? A Yes, sir.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
- Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
- Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
- Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
- Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
- Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
- Q You was a friend of his? A Yes, sir.

H. J. Jones, being first duly sworn, testified as follows:

- Q What is your name? A H. J. Jones.
- Q Kansas? A Kansas, yes, sir.
- Q What is your age, please sir? A 30.
- Q Were you holding any office in the town of Fort Scott, Kansas, in December of 1862? A Yes.
- Q Well were you holding any office at the time a man by the name of Hayford was killed in jail? A I was.
- Q What office was that? A City marshal, called town constable.
- Q You was a city constable? A Yes, sir.
- Q Did you assist in the arrest? A I did.
- Q Who assisted you in the arrest? A Mr. Benjamin Files.
- Q This man that is presently here? A Yes, sir.
- Q Did you hear the name of Eli Mackey Hayford? A I did.
- Q How soon after Hayford was killed was Mackey arrested, Eli Mackey? A 20 or 25 minutes, I don't recall the hour at most.
- Q Very short time? A Yes, sir.
- Q Had any houses or places of any kind of that kind been searched in the meantime? A No, sir, there was no knowledge.
- Q People didn't generally know it up to that time? A No, sir.
- Q Put in jail then? A He was taken right to the jail as soon as he was arrested. He was hurried off to jail for fear of any mob violence.
- Q Well how long he was in jail do you remember? A Why I think something like six weeks or more.
- Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
- Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
- Q He made his escape then? A He had his escape, yes, sir, at the time.
- Q You know how long he was at large? A Well I put it something like three weeks.
- Q I will ask you if there was any searches at that time made for him? A You mean what?
- Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
- Q Reward offered for him? A Yes, sir, reward offered.
- Q People searched round in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
- Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he won't be far out of a radius of probably ten miles from there after he got away, he was captured.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.
- COMMISSIONER: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I think it was only a few days before Christmas when the killing was done.
- Q How long after the killing was done? A Few days before Christmas of '62? A Yes, sir.



MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-216, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775, and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(Signed) Philip C. Hunter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original, now on file with the Commission, as the same was made by me.

*Arthur G. Evans*

Subscribed and sworn to before me this 23rd day of July, 1902.

*Philip C. Hunter*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
CHEROKEE LAND OFFICE.  
Tahlequah, I. T., February 27, 1905.

---

In the matter of the application of Harriett Webber for the enrollment of herself and child, Milly M. Webber, and ward, Hattie Webber, as Cherokee Freedmen. No. C. D. 407.

---

HARRIETT WARD, NEE WEBBER, being duly sworn and examined by the Commission, testified as follows:---

- Q What is your name? A Harriett Ward now.  
Q How old are you? A I don't know my age.  
Q About 42? A I guess so.  
Q What is your post-office? A Wimer.  
Q Are you an applicant for enrollment as a Cherokee Freedman?  
A Yes sir.  
Q Have you married since you enrolled? A Yes sir.  
Q What is the name of your husband? A Albert Ward.  
Q When were you married? A I don't know the date; been married about five years I guess.  
Q Were you married when you applied for enrollment? A Yes sir.  
Q You applied on May 23, 1901--that's only about four years ago? A Well, yes.  
Q How soon was it after that you married? A Shortly after.  
Q Was it in the summer? A Yes sir.  
Q Are you and he living together now? A Yes sir.  
Q Is he a citizen of the Cherokee Nation? A He's never been proved up.  
Q Did he ever apply? A His father did.  
Q Did he? A No.  
Q Have you children, Milly M., and Hattie? A Yes sir, Milly's mine and Hattie is my granddaughter.  
Q Are they both living? A Yes sir.

---

Joe Chambers, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony in this case, and that the above and foregoing is a true and complete copy of his stenographic notes.

Subscribed and sworn to before me  
this 27th day of February, 1905.

*Joe Chambers*  
\_\_\_\_\_  
*J. H. ...*  
\_\_\_\_\_  
Notary Public.

C. M. McR.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al.,  
for enrollment as Cherokee Freedmen, consolidating the applica-  
tions of ---

Joe Ross,	Cherokee Freedmen D-350,
Chilora Grayson, et al.,	Cherokee Freedmen D-498,
Aaron Webber	Cherokee Freedmen D-316,
Elizabeth Meigs	Cherokee Freedmen D-391,
George Meigs, Sr., et al.,	Cherokee Freedmen D-394,
John Meigs,	Cherokee Freedmen D-396,
Flemings, Meigs,	Cherokee Freedmen D-398,
Irene Hanks, et al.,	Cherokee Freedmen D-401,
Hattie Carrell, et al.,	Cherokee Freedmen D-402,
Andrew Alberty, et al.,	Cherokee Freedmen D-404,
Harriet Webber et al.,	Cherokee Freedmen D-407,
Moses Webber,	Cherokee Freedmen D-408,
Wesley Webber,	Cherokee Freedmen D-409,
Edward H. Webber	Cherokee Freedmen D-410,
Samuel Beck, et al.,	Cherokee Freedmen D-775,
Edward Derrick	Cherokee Freedmen D-818,
John Wright,	Cherokee Freedmen D-834.

--- DECISION ---

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Joe Ross for himself; by Joe Ross for his sister, Chilora Grayson and her minor grandchild, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Meigs for herself; by George Meigs, Sr., for himself, his wife Matilda Meigs, and his minor son, George Meigs, Jr. (the said Matilda Meigs, being differently classified, is not embraced in this decision); by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor son, George Hanks; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Flanson Hanks; by Hattie Carrell for herself, her sister, Katie Meigs, and her brothers, Nathan and Henry T. Meigs; by Elizabeth Alberty for herself, her husband Andrew Alberty, and her minor children, Hattie, Charity, Mollie, Ben and Dollie Alberty; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriet Webber for herself and minor child, Millie H. Webber, and minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward H.

Webber for himself; by Samuel Beck for himself, his wife Mary, and his minor child, Luquittie Beck; by Edward Wright for himself; and by John Wright for himself.

On July 20, 1903, the Commission rendered its decision in this consolidated case, which was forwarded to the Department for its consideration, and on August 31, 1903, the Commission requested that the record relative to the application of Chlora Grayson et al., party applicants in this consolidated case, be returned for reconsideration, and on Oct. 3, 1903, the Department complied with said request of the Commission and returned said record and decision. On June 17, 1904, further proceedings were had in the matter of the application for the enrollment of Chlora Grayson, et al.

The record herein shows that on April 1, 1902, the Commission received a letter from the applicant in Cherokee Freedmen D-404, heretofore listed for enrollment as Elizabeth Alberty, wherein she states that she desires to be enrolled as Lizzie Alberty, and she will accordingly be considered in this decision under the last mentioned name. On June 6, 1904, the applicant in Cherokee Freedmen D 318, appeared before the Commission at Tahlequah, Indian Territory, and testified that his correct name was Edward Derriok, under which name he will be considered in this decision.

The evidence shows that Joe Ross, Chlora Grayson, Aaron Webber, Elizabeth Meigs, Peter Meigs, now deceased, husband of Elizabeth Meigs, Sam Webber, Sr., George Meigs, Sr., Andrew Alberty, Samuel Beck and Edward Wright, were slaves of Cherokee citizens at the commencement of the rebellion, and that during said rebellion they left the Cherokee Nation; the said Joe Ross, Peter Meigs and Sam Webber, Sr. returned to the Cherokee Nation in the summer or fall of 1866 and located some claims upon the public domain of the Cherokee Nation; they then returned to the State of Kansas for their families, and removed with them to the Cherokee Nation during the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck, wife of Samuel Beck, are daughters of Peter and Elizabeth Meigs, and were born in the Cherokee Nation prior to their parents removal to the State of Kansas, and returned to the Cherokee Nation with them; George Meigs, Sr., another child of Peter and Elizabeth Meigs returned to the Cherokee Nation with his parents at the time above mentioned. Millie M. Webber, Moses Webber, Wesley Webber and Edward N. Webber are the minor children of Harriet Webber, and possess no rights to enrollment except through their said mother, their father, Ellis Webber, not having returned to the Cherokee Nation within the time necessary to acquire rights as a Cherokee Freedman. Hattie Webber, included in the application of Harriet Webber, et al., is a daughter of Wesley Webber, Cherokee Freedmen D-407, and one Missy Rowe; it appears that the said Missy Rowe was born since 1866, and is the daughter of one Jesse Rowe, whose application for enrollment as a Cherokee Freedman was denied by this Commission, and which decision was approved by the Department on May 28, 1904. George Meigs, Jr., John Meigs, Fleming Meigs and Irene Hanks, are the children of George Meigs, Sr., and possess no rights to enrollment except through their said father, their mother, Lucinda Meigs, nee Towers, not being shown to possess any rights as a Cherokee Freedman; George Hanks and Florence Hanks are the minor children of Irene Hanks, and possess no rights to enrollment as Cherokee Freedmen except through their said mother.



Hattie Carell, Katie Meigs, Nathan Meigs and Henry T. Meigs, have been born since 1866, and are the children of Simon Meigs and Fannie Meigs; the said Simon Meigs is the son of Peter and Elizabeth Meigs and returned to the Cherokee Nation with his parents the latter part of February or first of March, 1867; their mother, Fannie Meigs is not shown to possess any rights as a Cherokee Freedman, and in the absence of such showing it will be presumed that she possesses no such rights.

Andrew Alberty returned to the Cherokee Nation with his step-father, Peter Hudson, and the Commission have heretofore found, in the case of Peter Hudson, Cherokee Freedman B-604, that the said Peter Hudson returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation, and his enrollment was approved by the Secretary of the Interior, April 29, 1904; his wife, Lizzie Alberty, is the daughter of Peter and Elizabeth Meigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, are their minor children, born since 1866.

Samuel Beck returned to the Cherokee Nation and established a residence therein within the time specified in the decree of the Court of Claims above referred to, and has since continuously resided in said Nation. The minor applicant, Luquittie Beck, is the child of said Samuel Beck, and has continuously resided with her father since birth.

Chlora Grayson returned to the Cherokee Nation at the time the Webbers returned with their families, which was too late to acquire any rights, under Article nine of the Cherokee treaty of 1866; her minor grandchild, Gertrude Grayson, for whom she makes application, is the daughter of Amstead Foster, who is identified on the 1880 authenticated Cherokee tribal roll.

Edward Derrick returned to the Cherokee Nation with his mother, Katie Whitmire, and his step-father, Moss Whitmire, at the time the Whitmires and Webbers brought their families to the Cherokee Nation, which, from the evidence, is shown to have been the latter part of February or the first of March, 1867; John Wright is a son of Edward Derrick, born since 1866, and taken the status of his said father.

Aaron Webber returned to the Cherokee Nation with his brother, Sam Webber, in the summer of 1866.

It appears that Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and that the applicants, Gertrude Grayson, Lizzie Alberty, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, have resided continuously in the Cherokee Nation since birth. None of the other applicants herein nor any of their ancestors through whom they claim, can be identified upon the 1880 authenticated Cherokee tribal roll.

It is, therefore, the opinion of this Commission that Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie



-4-

Alberty, Battie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck and Luquittie Beck, should be enrolled as Cherokee Freedmen; and that the applications for the enrollment of Chloa Grayson, Elizabeth Meigs, George Meigs, Sr., George Meigs, Jr., John Meigs, Fleminga Meigs, Isaac Hank, George Hank, Flamen Hank, Mattie Carell, Katie Hank, Mary Meigs, Henry T. Meigs, Harriet Webber, Millie M. Webber, Moses Webber, Wesley Webber, Edward H. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 20, 1906 (34 Stat., 425), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) James Bixby  
Chairman.

(Signed) T. B. Needles  
Commissioner.

(Signed) C. R. Brackinridge  
Commissioner.

Dated at Muskogee, Indian Territory,  
this APR 17 1906

copy

**COMMISSION OF THE SUPERIOR COURT  
HONORABLE TO THE JURY OF THE STATE OF ALABAMA**

In the matter of the application of Joe Bess, et al., for  
enrollment as American Freedmen, considering the applications of

Joe Bess, et al., of Alabama	Freedom	2-400
James Bess, et al., of Alabama	Freedom	2-401
James Bess, et al., of Alabama	Freedom	2-402
James Bess, et al., of Alabama	Freedom	2-403
James Bess, et al., of Alabama	Freedom	2-404
James Bess, et al., of Alabama	Freedom	2-405
James Bess, et al., of Alabama	Freedom	2-406
James Bess, et al., of Alabama	Freedom	2-407
James Bess, et al., of Alabama	Freedom	2-408
James Bess, et al., of Alabama	Freedom	2-409
James Bess, et al., of Alabama	Freedom	2-410
James Bess, et al., of Alabama	Freedom	2-411
James Bess, et al., of Alabama	Freedom	2-412
James Bess, et al., of Alabama	Freedom	2-413
James Bess, et al., of Alabama	Freedom	2-414

**REMARKS**

The record herein shows that applications for enrollment as American Freedmen, were made to this Commission by Joe Bess, for himself; by Joe Bess, for his sister, Salora Grayson, and her minor child, surviving by Aaron Webber, for himself; by Elizabeth Heige, for herself; by George Heige, Sr., for himself, his wife, Matilda Heige, and minor son, George Heige, Jr., (Matilda Heige is differently classified and is not embraced in this decision); by John Heige, for himself; by Fleming Heige, for himself; by Irene Heige, for herself and minor child, George Heige; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Florence Heige; by Mattie Gerall, for herself, her sister, Mattie Heige, and brothers, Nathan and Henry E. Heige; by Elizabeth Alberty, for herself, her husband, Andrew Alberty, and minor children, Mattie, Charity, Nellie, Ben and Billy Alberty; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Fred Alberty; by Mary Webb, for herself and minor child, William A., and her son, George Webb; by James Webb, for himself; by Wesley Webb for himself; by Edward E. Webb, for himself; by Samuel Beck, for himself, his wife, Mary Beck, and minor child, Benjamin; by Edward Wright, for himself, and by John Wright, for himself.

Hattie Webber, included in the application of said Harriett Webber, is the daughter of Jesse and Missie Roe. The evidence does not show that the said Jesse or Missie Roe, or any of their ancestors, were ever slaves of Cherokee citizens, or free colored persons residing in the Cherokee Nation at the beginning of the War of the Rebellion. The names of said Harriett Webber, Jesse Roe and Missie Roe are not found on the 1880 authenticated roll of the Cherokee Nation.

The evidence further shows that Joe Ross, Elizabeth Meigs, Andrew Alberty, Mary Beck, Harriett Webber and Edward Wright have resided in the Cherokee Nation continuously since their return thereto, as above mentioned; that all the applicants herein, born since 1866, have resided in the Cherokee Nation continuously since birth.

It is, therefore, the opinion of this Commission, that Aaron Webber, having been born since 1866, should be enrolled as a Cherokee Freedman, and that Joe Ross, Elizabeth Meigs, Andrew Alberty, Lizzie Alberty, Hattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dolly Alberty, Ned Alberty, Harriett Webber, Millie M. Webber, Moses Webber, Wesley Webber, Edward M. Webber, Mary Beck, Luquittie Beck, Edward Wright and John Wright should also be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1896 (30 Stats., 495); it is further the opinion of this Commission that the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John Meigs, Fleming Meigs, Hattie Carell, Katie Meigs, Nathan Meigs, Henry T. Meigs, Irene Hanks, George Hanks, Flomen Hanks, Chelera Grayson, Gertrude Grayson, Hattie Webber and Samuel Beck, should be denied, under the provisions of said Section twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

*Tome Dixby.*

(SIGNED).

*T. B. Needles.*

(SIGNED).

*C. B. Brockinridge.*

(SIGNED).

*W. F. Stanley.*

Muskogee, Indian Territory,

JUL 10 1903

this \_\_\_\_\_

The evidence shows that Joe Ross, one Peter Meigs, now deceased, husband of Elizabeth Meigs, Moses Webber, Sr., father of Aaron Webber, George Meigs, Sr., Gilera Grayson, Samuel Beck and Andrew Alberty, were slaves of Cherokee citizens at the commencement of the War of the Rebellion, and that during said War they left the Cherokee Nation.

Said Joe Ross, Peter Meigs and Moses Webber, Sr., returned to the Cherokee Nation in the fall of 1866, and located a claim on the public domain of the Cherokee Nation; they then went back to Kansas for their wives and families, and returned with them to said Nation in February or March, 1867.

Elizabeth Alberty, wife of Andrew Alberty, Mary Beck, wife of Samuel Beck, and Harriett Webber, are children of said Elizabeth and Peter Meigs, and, with the exception of the said Elizabeth Alberty, who has been born since 1866, were minors at the time of their parents' return to the Cherokee Nation. The said Elizabeth Alberty desires to be enrolled as Lizzie Alberty. Moses Webber, Wesley Webber and Edward M. Webber are children of said Harriett Webber, and have all been born since 1866.

George Meigs, Sr., returned with his father and mother to the Cherokee Nation in February or March, 1867, and was of age at that time.

John Meigs, Fleming Meigs and Irene Hanks have been born since 1866, and are children of, and claim right to enrollment through, the said George Meigs, Sr. The names of the said George Meigs, Sr., John Meigs, Fleming Meigs and Irene Hanks, are not found on the 1860 authenticated roll of the Cherokee Nation.

Gilera Grayson returned to the Cherokee Nation with her brother, Joe Ross, in February or March, 1867. She was then married and not a member of the family of Joe Ross, at the time of his return to the Cherokee Nation. Her name is not found on the 1860 authenticated roll of the Cherokee Nation. Her minor child, Gertrude, takes only such rights as are possessed by her mother.

Samuel Beck did not return to and establish his residence in the Cherokee Nation until after January 19, 1867. His name is not found on the 1860 authenticated roll of the Cherokee Nation.

Andrew Alberty returned to the Cherokee Nation and established a residence therein in 1866.

Hattie Carrell, Katie Meigs, Nathan Meigs and Henry T. Meigs have been born since 1866, and are the children of one Simon Meigs, and claim their right to enrollment through him. The evidence does not show that the said Simon Meigs was the slave of a Cherokee citizen, or free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion, who was residing therein on July 19, 1866, or within six months thereafter. The names of the said Simon Meigs, Hattie Carrell, and Nathan and Henry T. Meigs, are not found on the 1860 authenticated roll of the Cherokee Nation.

Aaron Webber has been born since 1866, and is the son of Moses Webber, Sr., who is identified on the 1860 authenticated roll of the Cherokee Nation as adopted colored. It is presumed from this enrollment that the Cherokee Nation recognized that Moses Webber, Sr., complied with the terms of the Treaty of 1864. Edward Wright is the step-son of said Moses Webber, Sr., and was a minor and a member of the family of said Moses Webber, Sr., when he returned with them to the Cherokee Nation in February or March, 1867. John Wright is the son of Edward Wright, and takes the status of his father.

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on Harrell

by delivering a true copy thereof on the  
2 day of October A. D. 1901

Given under my hand this 2  
day of October A. D. 1901

John Parks  
Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the  
..... day of ....., 190....

Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } S. S.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to .....

on the ..... day of ..... A. D. 190....

Subscribed and sworn to before me  
this .....

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

1901

ACTING CHAIRMAN



## NOTICE!

IN THE MATTER OF the application of Harriett Webber  
for enrollment as Cherokee citizens:

Case No. D 407

To Harriett Webber Winer I. T.


You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 15th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 21 1901

W. W. Hastings  
Attorneys for the Cherokee Nation.

7- 107407  
DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZATIONS

**FILED**  
OCT 21 1901



COMMISSIONERS:  
HENRY L. DAWES,  
TAMM SIXBY,  
THOMAS B. HADDLEE,  
C. R. HENNINGRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Rec'd S.D. 10/19/01.

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
Harriet Nettles for enrollment as  
Freedmen of the Cherokee Nation.

No. S.D. 407

Louis J. Brown  
Agent for applicant

C.D. 407  
COPY.

217

IN RE  
Application for Enrollment of  
INFANT CHILD

*Hattie Webber*

as a citizen of

*Cherokee*

Nation.

Approved *May 23* 1901

*C. R. Breckinridge*

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

*May 23 1901*

*[Signature]* CHAIRMAN.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Hattie Webber (Here insert name of child.) , born on the 7 day of April 1898  
Name of Father: Wesley Webber a citizen of the Cherokee Nation.  
Name of Mother: Missy Rowe a citizen of the Cherokee Nation.  
Postoffice Wimer I. T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
DISTRICT.

I, Missy Rowe , on oath state that I am 19  
years of age and a citizen by adoption of the Cherokee Nation;  
that I am the lawful wife of Wesley Webber , who is a citizen, by  
adoption of the Cherokee Nation; that a female child was  
born to me on 7th day of April 1898, that said child has been named  
Hattie Webber , and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two  
Witnesses.) {

Subscribed and sworn to before me this 27 day of April 1901.

Louis T. Brown  
Notary Public.



## AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Northern DISTRICT.

I, Harriet Rowe , a Midwife , on oath state that I  
attended on Miss Missy Rowe unlawful wife of Wesley Webber .  
on the 7 day of April 1898; that there was born to her on said date female  
child; that said child was living March 4, 1905, and is said to have been named Hattie Webber  
Harriet X Rowe merde

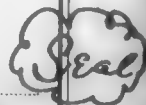
WITNESSES TO MARK:

(Must be Two  
Witnesses.) {

Elean Webber  
Marguerite Brown

Subscribed and sworn to before me this 27 day of April 1901.

Louis T. Brown  
Notary Public.





# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Harriett Webber,  
*Miner*  
Vinita, I.T.

Cherokee F-D-407

Register.

TAMS BIXBY,  
T. B. NEEDLES,  
C. R. BRECKINRIDGE,  
Commissioners.

7B

J. D. 407

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**  
MAY 23 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *May 28/01*  
 Post Office *Hyndes, Ga.*  
 District

1. Name ..... Age .....  
 Owner's name ..... Citizenship .....  
 Year ..... Page ..... No. .... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Name of wife *Harriett Hebbow* Age *40*

Owner's name ..... Citizenship .....

Year *K. L. A.* Page *128* No. *3196* District *Lees*

Parents:

Father *Plater Meigs* Citizenship *Lees*

Mother *Elizabeth* " " Citizenship *Lees*

Names of Children:

No.	Name	Year	Page	No.	Dist.
2	<i>Willie M. Hebbow</i>	<i>K. L. A.</i>	<i>128</i>	<i>3196</i>	<i>Lees</i>
3	<i>Attie</i>	"	"	"	"
5	<i>Missy Ann</i>	"	"	"	"
6	<i>Missy Ann</i>	"	"	"	"
7	<i>Missy Ann</i>	"	"	"	"
8	<i>Missy Ann</i>	"	"	"	"
9	<i>Missy Ann</i>	"	"	"	"
10	<i>Missy Ann</i>	"	"	"	"
11	<i>Missy Ann</i>	"	"	"	"
12	<i>Missy Ann</i>	"	"	"	"

Application made by *No. 1 Harriett Hebbow* Stenographer *Green*

*No. 1 on K. L. A. as Harriett Hebbow*  
*" 2 on K. L. A. as Willie Hebbow*  
*" 3 on K. L. A. as Harriett Hebbow*  
*Page 150 No. 3124 Harriett Hebbow*  
*+ App. to care of Elizabeth Meigs*  
*No. 3 copy of this file to be supplied*

COPY

Cherokee Freedmen  
D-580 As.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the five Civilized Tribes, dated July 10, 1903, in the consolidated case of Joe Ross, et al., granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Meigs, Andrew, Lizzie, Hattie, Charity, Mollie, Ben, Bellie and Ned Alberty, Harriett, Millie M., Moses, Wesley and Edward H. Webber, Mary and Luquittie Beck, Edward Wright and John Wright, and rejecting the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John and Flemings Meigs, Hattie Carroll, Katie, Nathan and Henry T. Meigs, Irene, George and Flemen Hanks, Silvers and Gertrude Grayson, Hattie Webber and Samuel Beck, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

*T. B. Needles*

Commissioner in Charge.

Enc. H-22.

COPY.

Cherokee T.D-775  
401-247-390-3-4  
1

Muskogee, Indian Territory, August 17, 1903.

Louis T. Brown,

Agent for Mary Beck et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Joe Beck et al., granting, among others, the applications for the enrollment of Mary and Luquittie Beck, Harriett and Willie M. Webber, Elizabeth Weins, Andrew, Lizzie, Lattie, Charity, Nellie, Ben, Dollie and Ned Liberty, and rejecting the applications for the enrollment of Samuel Beck, Mattie Webber, Mattie Carroll, Mattie, Nathan and Henry T. Weins, Irene, George and Plomon Marks, Flemings and John Weigs, George Weigs Jr., and George Weigs Jr., as Cherokee freedmen. You have heretofore been furnished with a copy of the Record of Proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.



-2-

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

*T. B. Needles.*  
Commissioner in Charge

May 2-95

Register

Cherokee Freedmen  
D-407

COPY.

Muskogee, Indian Territory, August 17, 1903

Harriett Webber,

Wimer, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, your application for the enrollment of yourself and your minor child, Millie M. Webber, and rejecting your application for the enrollment of your minor ward, Mattie Webber, as Cherokee freedmen. There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary

-2-

will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

Enc. D-98

Register.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs.

Land 53558, 1903.  
56858-1903.  
61805-1903.

A.C.T.  
Washington, Oct. 3, 1903.

To the Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

In accordance with the request contained in your report of August 31, 1903, the record relative to the application of Clara Grayson, et al., parties applicants to the Joe Ross, et al. case, for enrollment as citizens of the Cherokee Nation, is returned. There is also enclosed the affidavit of Samuel Beck, a party to the case, which was filed in this office by Chester Howe, Esq., of this city, who requested that action be suspended on the case for a reasonable time in order that Samuel Beck might secure further and additional proof in relation to his right to enrollment. Mr. Howe has been advised of this action.

Very respectfully,

(Signed) W. A. Jones.  
Commissioner.  
A.C.T.

G.A.W.→L.C.

COPY.

Cherokee Freedmen

D-607, et al.

Washoe, Indian Territory, April 17, 1908.

Louis T. Brown,

Attorney for Harriet Webber, et al.

Washoe, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1908, rejecting, among others, the applications for the enrollment of Harriet, Millie M. and Mattie Webber, Mattie Carroll, Katie, Nathan, Henry T., Fleming, John, Elizabeth, George W. and George Maize Jr., Irene, George and Florence Hanks, and granting, among others, the application for the enrollment of Andrew, Lizzie, Mattie, Charity, Nellie, Ben, Dollie and Ned Alberty, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED).

Tams Bixby.  
Chairman.

Incl. 9-61  
Register.



COPY.

Cherokee Freedmen

B-350, et al.

Muskogee, Indian Territory, April 17, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1905, granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Hattie, Charity, Nellie, Ben, Delle and Ned Alberty, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Chlera Grayson, Elizabeth, George Sr., George Jr., John and Flemings Neigs, Irene, George and Flomen Hanks, Hattie Carroll, Katie, Nathan and Henry T. Neigs, Harriet, Willie M., Hattie, Moses, Wesley and Edward W. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED).

Tams Bixby

Incl. 5-43.

COPY.

Cherokee Freedmen  
B-250, et al.

Hughes, Indian Territory, April 17, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Joe Ross, et al., as Cherokee freedmen, including the Commission's decision dated April 17, 1906, granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Mattie, Charity, Mollie, Ben, Belle and Ned Alberty, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Clara Grayson, Elizabeth, George Sr., George Jr., John and Fleming Heigs, Irene, George and Flossie Hanks, Mattie Garrell, Katie, Nathan and Henry T. Heigs, Harriet, Millie M., Mattie, Moses, Wesley and Edward M. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee freedmen.

Respectfully,

(SIGNED).

*Tams Bixby.*  
Chairman.

Incl. B-64

Through the

Commissioner of Indian Affairs,

COPY.

Cherokee Freedmen

D-407.

Muskogee, Indian Territory, April 17, 1905.

Harriet Webber,

Wimer, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1905, rejecting, among others, the application for the enrollment of yourself, your daughter, Millie M. Webber, and your ward, Hattie Webber, as Cherokee freedmen. There has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 8-51-  
Register

SIGNED, *Tame Birby*  
Chairman.

C O P Y .

Land,  
30769-1905.  
43223-1905.  
44630-1905.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington.

June 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 17, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Joe Ross for himself, his sister, Chlora Grayson and her minor grand child, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Weigs for herself; by George Weigs, Sr., for himself and his minor son, George Weigs, Jr.; by John Weigs for himself; by Fleming Weigs for himself; by Irene Wanks for herself and her minor children, George and Weldon Wanks; by Hattie Carrell for herself, her sister, Katie Weigs, and her brothers, Nathan and Henry T. Weigs; by Lizzie Alberty for herself, her husband, Andrew Alberty, and her minor children, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty; by Harriet Webber for herself, her minor child, Millie W. Webber, and her minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward W. Webber for himself; by Samuel Beck for himself; his wife, Mary and his minor child, Luquittie Beck; by Edward Derrick for himself; and by John Wright for

himself.

April 17, 1866, the Commission decided favorably to Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Linnie, Mattie Charity, Nellie, Sam, Dollie and Ned Liberty, Samuel and Luquittie Beck and adversely to Chelera Grayson, Elizabeth, George Sr., George Jr., Peter and Flemings Maigs, Irene, George and Florence Maigs, Mattie Carroll, Katie, Nathan and Henry T. Maigs, Harriet, Willie M., Mattie, Moses, Wesley and Edward H. Webber, Mary Beck, Edward Derrick and John Wright.

The record shows that Joe Ross, Chelera Grayson, Aaron Webber, Elizabeth Maigs, Peter Maigs (deceased) husband of Elizabeth Maigs, Sam Webber Sr., George Maigs Sr., Andrew Liberty, Samuel Beck and Edward Derrick were slaves of Cherokee citizens at the beginning of the war of the rebellion, and that during the war they left the Cherokee Nation; that Joe Ross, Peter Maigs and Sam Webber Sr., returned to the Nation in the summer or fall of 1866 and located claims upon the public domain of the Cherokee Nation; that they then returned to Kansas for their families and removed with them to the Cherokee Nation in the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck (wife of Samuel Beck) are daughters of Peter and Elizabeth Maigs, were born in the Cherokee Nation prior to their parents' removal to Kansas, and returned to the Cherokee Nation with them; George Maigs Sr., another child, returned with them at the same time. Willie M., Moses, Wesley and Edward H. Webber are the minor children of Harriet Webber and possess no rights to



enrollment except through their mother, their father Ellis Webber, not having returned to the Cherokee Nation on or before February 11, 1867. Mattie Webber is a daughter of Wesley Webber and one Hissy Howe; Hissy Howe was born since 1866 and is the daughter of Jesse Howe, the rejection of whose claim was approved by the Department May 28, 1904. George Jr., John and Fleming Weigs and Irene Hooks are the children of George Weigs, Sr., and possess no rights to enrollment except through their father, their mother, Lucinda Weigs, born Iowa, not being shown to possess any rights as a Cherokee Freedman; George and Fleming Hooks are the minor children of Irene Hooks and possess no rights to enrollment except through their mother. Mattie Carroll, Katie, Nathan and Henry T. Weigs were born since 1866 and are children of Simon and Fannie Weigs; Simon is the son of Peter and Elizabeth Weigs and returned to the Cherokee Nation with his parents. Fannie Weigs is not shown to possess any rights as a Cherokee Freedman. Andrew Alberty returned to the Cherokee Nation on or before February 11, 1867; his wife Lizzie Alberty, is the daughter of Peter and Elizabeth Weigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Mattie, Charity, Nellie, Ben, Del lie and Ned Alberty are their minor children born since 1866. Samuel Beck returned to the Cherokee Nation and established a residence therein prior to February 11, 1867, and has since continuously resided therein.

2 4

The minor applicant Logittie Beck is the child of Samuel Beck and has resided with her father since birth.

Chlara Grayson returned to the Cherokee Nation with the Webbers, subsequent to February 11, 1867; her minor grand child, Gertrude Grayson, is the daughter of Arntstead Foster, who is identified on the 1866 authenticated Cherokee roll.

Edward Derrick returned to the Cherokee Nation the last of February or first of March, 1867; John Wright is his son born since 1866 and takes the status of his father.

Aaron Webber returned to the Cherokee Nation in the summer of 1866. Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and the applicants, Gertrude Grayson and Lizzie, Hattie, Charity, Nellie, Ben, Dollie and Ned Alberty have resided therein continuously since birth. None of the other applicants, nor any of their ancestors, through whom they claim, can be identified on the 1866 authenticated Cherokee roll.

There is also enclosed briefs in behalf of Edward Derrick and Mary Beck which have received due consideration.

In view of the record the approval of the Commissioner's decision is recommended.

Very respectfully,

G. F. Larrabee  
Acting Commissioner.

K. M. M.  
V.

C O P Y .

DEPARTMENT OF THE INTERIOR

WASHINGTON.

I. I. D. 7512-1905.

8884- "

8900- "

June 28, 1906.

L. R. R.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On April 17, 1905, the Commission to the Five Civilized Tribes transmitted for departmental consideration the record in the matter of the consolidated applications of Joe Ross, Chloera Grayson et al., Aaron Webber, Elizabeth Neigs, George Neigs, Sr., et al., John Neigs, Flemings Neigs, Irene Hawks et al., Mattie Carroll et al., Andrew Alberty et al., Harriet Webber et al., Moses Webber, Wesley Webber, Edward H. Webber, Samuel Beck et al., Edward Derrick, and John Wright, for enrollment as Cherokee freedmen, together with its decision dated April 17, 1905. There was also transmitted a general brief and argument for these applicants, prepared by their attorneys, also an argument on behalf of Edward Derrick, prepared by his attorney.

On September 7, 1905, the attorneys for the applicants filed motions for review in the matter of the applications of Joe Ross et al., Mattie Carroll et al., Elizabeth Neigs, Elizabeth Neigs et al., George Neigs, Sr., et al., Edward H. Webber, Harriett Webber, Moses Webber, and Wesley Webber et al.

No proper reason appears for granting said motions for review and they are hereby denied.

Reporting June 19, 1909,<sup>7</sup> the Indian Office recommends that the decision of the Commission to the Five Civilized Tribes in this consolidated case be approved. A copy of its letter is inclosed.

A careful consideration of the record, together with the arguments submitted, leads the Department to the opinion that the Commission's decision is correct. The applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lissie Alberty, Mattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Bellie Alberty, Ned Alberty, Samuel Beck, and Luquittie Beck are hereby approved, and you will enroll them as Cherokee freedmen. The applications for the enrollment of Chlera Grayson, Elizabeth Weigs, George Weigs, Sr., George Weigs, Jr., John Weigs, Flemings Weigs, Irons Hanks, George Hanks, Flenson Hanks, Mattie Carroll, Katie Weigs, Nathan Weigs, Henry T. Weigs, Harriett Webber, Millie M. Webber, Mattie Webber, Moses Webber, Wesley Webber, Edward M. Webber, Mary Beck, Edward Berrick, and John Wright as Cherokee freedmen are hereby denied.

Respectfully,

Jesse K. Wilson

Assistant Secretary.

1 inclosure.

Cherokee freed-  
man D. 407

Muskogee, Indian Territory, July 6, 1906.

Harriet Ward,  
Wimer, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1906, rejecting, among others, your application for the enrollment of yourself and child, Millie W. Webber, and ward, Hattie Webber, as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by your attorneys September 7, 1906, for review of your case was denied by the Department on said date.

Respectfully,

Commissioner.

MMP



Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Louis T. Brown,  
Attorney for Joe Ross, et al.,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlera Graysen, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. P-7  
MMP

Cherokee freed-  
men D. 380 et al.

Muskogee, Indian Territory, July 6, 1906.

Blue & Bulger,  
Attorneys for Joe Ross, et al.,  
Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1906, granting the applications for the enrollment of Joe Ross, et al. and rejecting the applications for the enrollment of Chlorea Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by you September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-6  
MMP

Commissioner.

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlora Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.P-7  
HMP

D.C. 55040-1906.

( COPY )

STARR & PATTON;

ATTORNEYS AT LAW,

VINITA, I. T.

December 22nd 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes

Muskogee I T

Dear Sir:

Referring to the Cherokee Freedmen Enrollment cases of Luella Shaden et al and Chelera Grayson et al we beg to advise you that we have repeatedly reminded these applicants that they ought to file all of the affidavits they can secure in support of their motion for rehearing and in as much as they have given the matter no further attention the case might as well be forwarded for Departmental action as soon as your office is ready for it to go forward as we have nothing further to offer in support of this motion for rehearing.

Yours truly,

(Signed) Starr & Patton,  
J.C.S.

Muskogee, Indian Territory, December 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed August 20, 1906, by Starr & Patten, attorneys for applicants, Viniga, Indian Territory, for a rehearing of the Cherokee Freedmen consolidated case of Joe Ross et. al. No. D. 350 et al., insofar as it rejects the applicant's Chlera Grayson, et al. With their letter of October 10, 1906, said attorneys forwarded affidavits by Dunk Vann and Stephen Little, which they requested be filed in support of their motion, and they also requested that they be allowed thirty days within which to file additional affidavits in support of their motion. Since that time they have filed no new affidavits. These attorneys represent practically all of the Cherokee freedmen cases that are now pending, and they have filed a number of motions to review and reopen pending cases. They have also filed from time to time, affidavits and additional motions in support of their motions filed within the time limited by the Act of April 26, 1906. On December 21, 1906, said attorneys verbally advised the office that they had filed all of the papers they desire in connection with their motions.



Secretary-2

June 25, 1906 (I. T. D. 7538-2884-8900-1906), the Department affirmed the decision of the Commission to the Five Civilized Tribes favorable to a part of the applicants embraced in the Cherokee freedmen consolidated case of Joe Ross et al., and adverse to a part of the applicants therein. The motion referred to applies to applicants embraced in said case to whom the decision was adverse.

An examination of the original record in this case shows that the motion for a rehearing is without merit. The applicants in the case were represented in the hearing of the case by able attorneys, and a great mass of testimony was introduced in their behalf and on behalf of the Attorney for the Cherokee Nation. The motion is based upon the ground of newly discovered evidence, but there is no affidavit by any of the applicants showing that the evidence they now seek to introduce is newly discovered, or that with due diligence they could not have secured it when the case was heard before the commission. Both of the parties to the affidavits filed in support of the motion reside in the Cherokee Nation, and when the Commission was engaged in hearing Cherokee freedmen cases, they testified in a number of cases.

It is respectfully recommended that the motion for a rehearing be denied.

Secretary-3

There is enclosed a motion filed August 24, 1906, by Evelyn A. Givens, Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in said case. The protest of the Attorney for the Cherokee Nation, filed September 26, 1906, against this motion is also enclosed. The applicant, Mary Beck, was born prior to the breaking out of the war of the rebellion, and in accordance with the provisions of the Act of Congress approved April 26, 1906, ( 34 Stat., 137), she can not claim a constructive residence in the Cherokee Nation on account of her return to the Cherokee Nation of her father, Peter Meigs. The record in this case, as well as the records in various other Cherokee freedmen cases, shows that the family of Peter Meigs, and also the families of the persons with whom Peter Meigs returned to the Cherokee Nation after the war of the Rebellion, did not return to the Cherokee Nation until subsequent to February 11, 1867.

It is recommended that this motion for review be denied.

There is also enclosed a motion for review of the Cherokee freedman case of Edward Derrick, one of the applicants in said case. This motion was filed August 24, 1906, by Roy T. Osborne and W. J. Sullivan, attorneys for applicant. This motion

See also 4

has no merit, for the reason that it does not point out any  
erroneous construction of the law in the Department's decision.  
It is also respectfully recommended that this motion be denied.

Respectfully,

Through the

Commissioner of the Indian Affairs

Reel. 3-3

Commissioner,

(M)

(COPY)

Refer in reply to the following:

Land.  
75-1907  
2937-1907  
68921-1906

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

January 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of the Commissioner to the Five Civilized Tribes, dated December 27, 1906, transmitting motion for a re-hearing in the Cherokee Freedman consolidated case of Joe Ross, et al., in so far as it rejects the applicants, Chlora Grayson, et al.

This motion was filed with the Commissioner on August 20, 1906, by Starr and Patten, attorneys for the applicants, at Vinita, I. T. With their letter of October 10, 1906, the attorneys furnished the Commissioner affidavits by Dunk Vann and Stephen Little, to be filed in support of their motion.

On June 28, 1906 (I. T. D. 7836, 8884, 8900-1906), the Department affirmed the decision of the Commission favorable to a part of the applicants embraced in the Cherokee Freedman case of Joe Ross, et al., and adverse to a part of them. The motion herein applies only to the applicants embraced in Departmental decision who were rejected thereby.

In connection herewith the attention of the Department is invited to a report of Commissioner Bixby dated January 7, 1907, which is transmitted on this day in connection with the

Cherokee Freedman case of Chlora Grayson, et al., with which is enclosed copy of letter from Starr and Patten, attorneys for the applicants, dated December 22, 1906, saying that they have repeatedly called the attention of the applicants to the necessity of filing further affidavits in support of their motion for a re-hearing, and that they have given the matter no further attention. For this reason they say they have nothing further to offer in support of the motion.

The record in this case shows that the applicants were represented in the hearing by able attorneys and a great mass of testimony was introduced on their behalf and on behalf of the attorneys for the Cherokee Nation. The motion is based on the ground of newly discovered evidence, but in view of the letter from the attorneys for the applicants saying that no further affidavits will be filed in support of the motion, and of the further fact that it is not shown that with due diligence the evidence could not have been secured when the case was heard before the Commission, it is recommended that the motion for re-hearing be denied.

There is also enclosed a motion filed with the Commissioner to the Five Civilized Tribes, August 24, 1906, by Zevely and Givens, of Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in the case of Joe Hess, et al. The pretest of the attorney for the Cherokee Nation, filed with the Commissioner September 26, 1906, against this

motion, is also forwarded herewith.

The record herein shows that Mary Beck was born prior to the breaking out of the War of the Rebellion, and in accordance with the provisions of the Act of April 26, 1906 (34 Stat. L., 137), she cannot claim constructive residence in the Cherokee Nation on account of the return thereto of her father, Peter Meigs.

The record further shows that the family of Peter Meigs, and also the families of persons with whom he returned to the Cherokee Nation after the war, did not return until subsequent to February 11, 1867. It is recommended that this motion for review be denied also.

Edward Derrick, one of the applicants in the case of Joe Ross, et al., by his attorneys, Roy T. Osborne and W. J. Sullivan, filed a motion for re-hearing with the Commissioner on August 24, 1906, which is enclosed.

As this motion fails to point out any erroneous construction of the law in the Department's decision, it is recommended that it be denied.

The record in the case is herewith enclosed.

Very respectfully,

C. F. Larrabee,  
Acting Commissioner.

AJW-D



(COPY)

JF Jr

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

I.T.D. 1354-1907.  
D.C. 6292-1907.

January 29, 1907.

LWS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On January 18, 1907 (Land 2937), the Indian Office transmitted your report dated December 27, 1906, submitting for departmental consideration a motion for rehearing filed in behalf of Chlera Grayson et al., a motion for review filed in behalf of Mary Beck, and a motion for review filed in behalf of Edward Derrick, the last two motions involving persons who are parties to the first motion.

The attorney for the Cherokee Nation files protests which apparently covers nearly all of the parties named in the motions. Argument is also submitted by the attorneys for Edward Derrick.

You recommend, for reasons set forth in your report, that all the motions be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department has considered these motions, together with the few supporting affidavits filed, the argument of attorneys on behalf of the applicants and the nation, and the original

record. In regard to the motion for rehearing, the affidavits submitted show no evidence not heretofore considered by the Department. The record is voluminous, and it would appear that in the five years elapsing since the filing of this application ample time has been given to permit the applicants, by the exercise of due diligence, to have secured the necessary evidence to establish their rights as Cherokee freedmen.

The motions for review point out no specific error; one alleged error in your decision, when in fact the decision in the case was made by the Commission to the Five Civilized Tribes.

The three motions transmitted are without merit. They are hereby denied.

The papers are returned for the files of the Indian Office.

Respectfully,

Thos Ryan  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 28 to Ind. Of.

Cherokee F.  
R 813

Muskogee, Indian Territory, February 15, 1907.

Harriett Webber,

Weimer, Indian Territory.

Dear Madam:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of yourself, et al., filed by your attorneys, Starr & Patten, Vinita, Indian Territory, on August 20, 1906, was denied by the Secretary of the Interior, January 29, 1907.

Respectfully,

JMH

Commissioner.

Cher. Fr. R-814

Cher. Fr. R 814

Trans. from Cher. Fr. D 834

To be filed with the case of John Wright, C. F. D. 834.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I. T. June 22d, 1901.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman; said Wright being sworn as examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Mr. E. B. Lawson, Attorney for applicant.

Mr. W. W. Hastings, Cherokee representative.

- Q What is your name? A. Edward Wright.  
Q What is your age? A. I was born in 1849, about 52.  
Q What is your post office? A. Hayden.  
Q What district do you live in? A. Cooweescoowee.  
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.  
Q Who do you to enroll besides yourself? A. Myself alone.  
Q Is your name on the roll of 1880? A. No sir.  
Q Is it on any of the rolls of the Cherokee Nation? A. On the Kern Clifton roll.

The 1880 authenticated roll and 1896 census roll of freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern Clifton roll of freedmen of the Cherokee Nation examined and name of applicant found thereon, page 122, #3038 Edward Wright, Cooweescoowee district.

By Mr. Lawson:

- Q Where were you born? A. I was born in Tahlequah district.  
Q Cherokee Nation? A. Yes sir.  
Q How old are you? A. I call myself about 53 years old.  
Q Were you a slave at the breaking out of the war? A. Yes sir.  
Q Who was your owner? A. Eli Wright.  
Q Was he a Cherokee? A. Yes sir.  
Q Where did he live? A. In Goingsnake district.  
Q What was your mother's name? A. She went by the name of Katie Whitmire is the name she went by when she died.  
Q What is her name now? A. Katie Whitmire.  
Q Is she the wife of Moses Whitmire? A. Yes sir.  
Q Who owned her at the breaking out of the war? A. Yes sir.  
Q Does your mother's name appear on the 1880 roll as an authenticated citizen? A. Yes sir.  
Q Under what name? A. Katie Whitmire.  
The 1880 authenticated roll of freedmen of the Cherokee Nation examined and name of applicant's mother found thereon, page 199, No 3207, Katie Whitmire, Cooweescoowee.  
Q Did you leave the Cherokee Nation at the breaking out of the war, or during the war? A. Yes sir.  
Q With whom did you live? A. I went with Ellis Whitmire to Knasas.  
Q When did you return to the Cherokee Nation? A. In the fall of '66.  
Q Fall of 1866? A. Yes sir.  
Q With whom did you return? A. With Moses Whitmire, my stepfather and Lewis Whitmire and Ellis Whitmire and Nelson Whitmire.  
Q Was your mother in the crowd that returned with you? A. Yes sir.  
Q And that was in the fall of 1866? A. Yes sir.  
Q Have you been living in the Cherokee Nation since '66? A. Yes sir.  
Q Have you lived any other place since then? A. No, sir.  
Q In what part of the Cherokee Nation have you been living? A. Living in Cooweescoowee, on Salt Creek.  
Q Have you been living in the same neighborhood ever since you returned to the Cherokee Nation? A. Yes sir.  
Q How many times have you been married? A. Twice.  
Q Did you have any children by your first wife? A. Yes sir, had three.

Q Are the names of any of those children on the 1880 roll? A. One of them by the name of David.

( Coon'r Needles )

Q Dave waht? A. I think he was Dave Whitmire.

( By Mr. Lawson )

Q How old would he be on the roll of 1880? A. About two years old.

Q Was he living with Moses Whitmire and Lattie Whitmire at that time? A. Yes sir.

The 1880 authenticated roll of freedmen of the Cherokee Nation examined and name of applicant's son found thereon, page 199, #3208, Dave Whitmire, Cooweescoowee.

Q Were any of your other children by your first marriage on the 1880 roll? A. No sir, I think their mother is on the 1880 roll.

Q But the children were left off? A Yes sir.

Q With the exception of this one? A. ~~Yes sir~~ Only one, left off one boy.

Q What was your boy's name that was left off the 1880 roll? A John Henry.

Q Was John Henry a full brother of this David you have mentioned?

A Yes sir, it if appear on any roll it will be John Wright.

The 1880 authenticated roll of freedmen of the Cherokee Nation examined and name of John Henry Wright not found thereon.

Q Your present wife and children have been enrolled as Freedmen have they not? A. Yes sir, they have been enrolled.

Q How long were you out of the Cherokee Nation during the war, Ed?

A I dont know exactly, I know I went to Kansas in '63 and remained there until, '66, I think it was 1863 when I.

Q Prior to the time you left in 1863, or you were taken away in 1863, where did you live? A. I lived in Fort Scott, Bourbon Co., Kansas

Q I saw prior to the time you went away? A. Do you mean here in the Cherokee Nation? A. I asked you where you lived? A. I lived in Goingsnake district.

Q From the time you were born up to the time you were taken out in 1863? A Yes sir.

Q Did you and your mother belong to the same master? A. No sir, she belonged to James Walkingstick and I belonged to Eli Wright.

Q How did that come, were you sold? A. Yes sir; sold or attached or something; first man I lived with was Andy Griffin and some how I was attached, I was sold off and lived with another man, and James Walkingstick I think bought her.

Q Were you living in the Cherokee Nation in 1880? A Yes sir.

Q Why were you not enrolled on the 1880 roll? A I don't know sir; my stepfather made application to the court at Tanlequah, Bob Daniels court, I think, and him and my mother was admitted and me and my uncle that was enrolled at Chelsea there rejected, paid Mr. Bill Boudinot \$25 in defense and he never got us on the roll and my mother's name appear on the roll.

( By Mr. Hastings )

Q What town in Kansas did you go to? A Fort Scott.

Q What did you do up there after the war was over, what kind of work? A I worked for the go ernment up there about six or eight months with the chain gang.

Q That was after the war was over? A. During the war.

Q Who did you live with up there just after the war? A. I lived with my mother.

Q Was Moses Whitmire up there, your stepfather? A Yes sir.

Q When did they marry during or just after the war? A. They have been living together ever since I was little boy four or five years old, away before the war.

Q What time of the year did you come back down here? A. In the fall I think.

Q Was it in cold weather? A. Yes sir.

Q Now, who was along when you came back? A Lewis Whitmire, and Dennis Whitmire and my stepfather and Nelson Whitmire and Land Whitmire is about all.



Q Did you go back to Kansas after that? A. No sir.  
 Q Did you have any one down here when you came? A. Yes sir, the old man had been down and built I believe.  
 Q Before that? A. Yes sir.  
 Q And then you come down afterwards? A. Yes sir.  
 Q How many times had your stepfather been down here before you come? A. I dont know exactly, I think it was one or two times.  
 Q Did you come when your mother did? A. Yes sir.  
 Q Had your mother been down here either of those other times? A. Yes sir.  
 Q You lived right up there with her? A. Yes sir.  
 Q Where were you married the first time? A I was married on Lightning creek.  
 Q Over here near Salt creek? A Yes sir.  
 Q Do you know Sal Coker? A Yes, sir, I know one Coker, acquainted with him.  
 Q Did you know him when he come? A. I knowed old man Coker.  
 Q What other Eherokees were living over there about Goody's Bluff? A I dont know, Charley Hicks.  
 Q Was he living over there at that time? A. Yes sir.  
 Q Now, how far did you locate from old man Coker and Charley Hicks? A About five miles north.  
 Q Did Charley Hicks have a wife? A. Yes sir, and a woman and one a adopted child.  
 Q What was the girl's name? A. I dont know, she was a Creek girl he was raising.  
 Q Well, Charley Hicks was living over there when you came down? A I think he was or moved over there directly afterwards, come from Tahlequah.  
 Q Where did you make your first crop after you came down? A Right where I am living now.  
 Q Do you live with your step father yet? A. No sir I a, living to myself then  
 Q You were not living to yourself then? A. No sir.  
 Q Did you make a crop on the same place you are living now? A. I dont know whether we made a crop the first year we come here.  
 Q Was he married at that time? A. I dont think he was.  
 ( By Mr. Lawson )  
 Q Where did Moses Whitmire live now? A. He lives on Lightning creek  
 Q Well, did he ever live at the place where you live? A Yes sir.  
 Q Moved away and gave it to you? A. Yes sir.  
 Q And you have been living there ever since? A. Yes sir.

MOSESWHITMIRE, being duly sworn by Com'r T. B. Needles, testified as follows ( By Mr. Lawson )

Q State your name? A. Moses Whitmire.  
 Q Are you on the 1880 roll, authenticated citizens? A Yes sir.  
 Q Are you acquainted with Edward Derrick or Edward Wright? A. Yes sir  
 Q By which name is he known? A. Ed Wright we call him by.  
 Q He sometimes goes by the name of Edward Derrick? A Yes sir that is his father's name.  
 Q What relation, if any, are you to Edward Wright? A. Not any, he is my stepson.  
 Q Your wife's son? A. Yes sir.  
 Q What is the name of your wife? A. She is named Katie.  
 Q Is she on the 1880 roll? A. Yes sir.  
 Q Under what name? A. Katie Whitmire I guess, or Katie Walkingstick, she is dead.  
 Q When did she die? A. About a year last September, little over a year.  
 Q Where did you marry her and when? A I have lived with her, oh, I dont know how long, could not tell you hardly.  
 Q Before the war? A. Yes sir, long before the war, sometime before the war not so long.  
 Q To whom did this Edward Wright belong or was a slave before the war? A Eli Wright.  
 Q Did he belong to Eli Wright at the breaking out of the war? A. Yes sir.  
 Q Did you ever see Edward Wright before the war? A. Yes sir.

Q Where was he living? A. He was living up in Goings snake district when the war came up.

Q Where were you living? A. I was living down on the Barren Fort.

Q About how far away? A. About 12 or 13 miles.

Q Were you living with his mother? A. Yes sir.

Q Do you know whether or not Ed Wright left the Cherokee Nation during the war? A. Yes sir.

Q Where did he go? A. He went up to Fort Scott, Kansas.

Q How do you know he went up there? A. I went up to the same time, pretty much, I didn't go on up there at the same time, I got hold of him in the war and took him with me.

Q Where did you get hold of him in the war? A. At Mayersville (Arkansas).

Q You say you got hold of him, what did you do with him? A. Kept him until I brought him down here.

Q Where did you keep him? A. Fort Scott, Kansas.

Q When did you bring him down to the Cherokee Nation? A. In '86 when he moved with my family.

Q Who else was in the crowd that came down with you? A. There was a lot of the, Lewis Wright and Dennis and I moved.

Q Where did you move to when you come? A. Down here on Salt Creek.

Q Did Ed Wright live with you? A. Yes sir.

Q How long did he live with you? A. I don't know exactly how many years, until he married and I gave him that place he lives on now.

Q Is he living on the first place you lived on? A. Yes sir.

Q And that was in the fall of '86? A. Yes sir.

Q Where has Ed Wright been living ever since the fall of 1866? A. Right there.

Q Where? A. Salt Creek.

Q Cherokee Nation? A. Yes sir.

Q Where did he live before the war and up to the time he left during the war? A. He lived up in Goings snake District, Eli Wright's his master.

Q Ever live any other place up to the time he left there? A. Yes sir.

Q You knew him from the time he was a little boy? A. Yes sir.

Q You know he was a slave? A. Yes sir.

Q Was his mother a slave? A. Yes sir.

Q Were you a slave? A. Yes sir.

Q Did you know Ed Wright's wives, or did you know Ed Wright's wives? A. Yes sir.

Q How many times has he been married? A. Twice now I guess.

Q Did he have any children by his first wife? A. Yes sir.

Q What are the names of the ~~children~~ children? A. Dave and John and I forget the girls name that died.

Q Are any of these children on the roll of 1880? A. Well Dave ought to be.

Q Is John? A. No sir.

Q Was Ed Wright living in the Cherokee Nation in 1880? A. Yes sir living right up there.

Q Do you know why Ed Wright's name does not appear in the roll of 1880? A. No sir, I don't.

Q Can you give any excuse for his not appearing? A. No sir; I know when I went down to enroll I took him and Malissa's name down.

Q Who is Malissa? A. My wife's youngest.

Q Did you enroll for Ed at that time? A. I was trying to enroll for him, yes sir; he was in my family and under age.

Q You enrolled your wife at that time and it was your intention and you thought you were enrolling Ed? A. Yes sir I gave in their names (By Mr. Hastings)

Q Uncle Hose, you employed a lawyer for Ed at that time? A. Yes sir.

Q Mr. W. . . P. Boudinot? A. Yes sir.

Q You paid him? A. Yes sir.

Q You told him and the Court when he got back? A. Yes sir.

Q That was all fresh on your mind? A. Yes sir.

Q You didn't have any trouble getting your wife on the roll? A. No sir.

Q You didn't have any trouble getting yourself on? A. No sir.

Q You told them when you came back? A. Yes sir.

Q And your wife? A. Yes sir.

Q And told them when your children come back? A. Yes sir.  
 Q And they enrolled you and your wife? A. Yes sir.  
 Q That was a short time after you come back? A. I was sometime after we come back, not very long though.  
 Q It was all fresh in your mind at that time? A. Yes sir.  
 Q What was this first wife's name? A. Mary.  
 Q What was her first name, Mary what? A. Mary Bushyhead they called her.  
 Q Where were they married? A. Married on Lightning creek.  
 Q They were married before 1880? A. Yes sir.  
 Q She was a Cherokee freedman herself? A. Yes sir.  
 Q She is dead? A. Yes sir.  
 Q She died before 1880? A. Yes sir.  
 Q And this Dave that is enrolled is her child? A. Yes sir. That is her child, but I told the census taker about it and she give it to my wife to raise as her child.  
 Q And you gave it in as your child? A. Yes sir.  
 Q Now, you made two or three trips down here? A. Yes sir.  
 Q You made two trips before Ed came with you? A. Yes sir.  
 Q And he came with you on the third trip? A. Yes sir.  
 ( By Mr. Lawson )  
 Q Did you employ Mr. Boudinot to look after your case, or Dave's case or all of your cases? A. All of the cases.  
 Q Employed him to look after the enrollment of you and your wife and Ed? A. Yes sir.  
 ( By Com'r Needles )  
 Q When did you come down here from Kansas on your third trip? A. December.  
 Q What year? A. In '86.  
 Q Then is when you brought Ed? A. Yes sir, moved here.  
 Q At that time? A. Yes sir.  
 Q Didn't bring him down on any of these other trips? A. No sir.  
 Q Where was he? A. Up there with his mother.  
 Q How old was Ed when you brought him down? A. He was a small boy; he had never left me.

LEWIS WHITMIRE, being duly sworn by Com'r T. B. Needles, testified as follows-- ( By Mr. Lawson. )

Q State your name? A. Lewis Whitmire.  
 Q Are you on the roll of 1880 as an authenticated citizen? A. Yes sir.  
 Q Are you kin to Moses Whitmire? A. Yes sir he is a half brother of mine.  
 Q Do you know Edward Wright? A. Yes sir.  
 Q The applicant here? A. Yes sir.  
 Q How long have you known him Lewis? A. I have knowed him ever since he was a little bit of a boy.  
 Q Where did you first know him, where was he living? A. He was living with him mother when I first knowed him, in Goingsnake.  
 Q Goingsnake what? A. District it is called.  
 Q Cherokee Nation? A. Yes sir.  
 Q Was Edward Wright a slave? A. Yes sir. He was a slave, born slave.  
 Q Who was his Master at the breaking out of the war? A. Eli Wright.  
 Q Do you know whether it not Ed Wright left the Cherokee Nation during the war? A. He went out with his mother.  
 Q At what time do you know? A. I think it was in the winter of '88, along in the winter sometime, they all had to leave.  
 Q Where did he go? A. They went to Kansas.  
 Q What place in Kansas? A. I think it was somewhere near Fort Scott where they stopped, around it.  
 Q Did you see Ed Wright immediately after the war? A. Yes sir, I seen him right here after the war.  
 Q Do you know when Ed Wright returned to the Cherokee Nation? A. He come with his step father, that is Moses and his mother.  
 Q Who else was in the crowd? A. With him, well Dennis and my father and me I was in the crowd.  
 Q Was Ed Wright along in that crowd? A. Ed Wright was with them.  
 Q When was that? A. It was in the Fall of '86.

Q Where did old Mose Whitmire stay when he come here? A Right on Salt creek, under the bluff there on Salt creek.  
 Q Was Ed Wright living with Mose Whitmire at that time? A. Yes sir.  
 Q What relation was Katie Whitmire to Ed Wright? A. She was his mother.  
 Q What relation was Katie Whitmire to Mose Whitmire, if any? A. His wife.  
 Q Where has Ed Wright lived since 1860? He has lived right about the place where he is at now.  
 Q Still living there? A. Yes sir.  
 Q Has he ever removed from the Cherokee Nation? A. No sir.  
 Q Since 1866? A No sir.  
 Q Well, have you been living in the same neighborhood? A I live on Lightning creek, four miles.  
 Q Have you lived in that same neighborhood ever since you returned here? A. Yes sir.  
 Q Now, you say you were in that crowd that brought Ed Wright down in 1866? A Yes sir, I was in that crowd.  
 Q And he came with Mose Whitmire's family did he? A Yes sir.  
 Q Do you know where Ed Wright staid during the latter days of the war? A. He staid right with Mose until he married.  
 Q Then after he married where did he go? A He staid on the place right there joining his old stepfather and is living on that place now.  
 ( By Mr. Hastings )  
 Q You didn't witness for him before the Kern Clifton Commission? No sir.  
 Q You were around when they had the investigation then? A. This is the first time I witnessed for this man.  
 Q You were down before the court when they all applied? A. Yes sir.  
 Q Uncle Mose Whitmire applied for him at that time? A. Yes sir, he did.  
 Q He didn't have any trouble getting on himself? A. No sir.  
 Q He didn't have any trouble getting his wife on? A. No sir.  
 Q They didn't get this boy on? A No sir.  
 Q Did Aaron Whitmire come back with you? A No sir; Aaron Whitmire come back a little while before we come.  
 Q Before you first come down here? A. No sir.  
 Q Well, now, about when did Aaron come? Aaron come down in the fall of '66.  
 Q Where did he locate? A. Located right where; well, when he first come he made a crop on the place where Jim Martin owns and he stopped there and in the spring of '67 he made a crop there.  
 Q Aaron come down ahead of you? A. He moved down ahead of me and when we come to pick claims we all come together; that was in the fall when we moved we didn't move together.  
 Q Well, didn't you say you and Dennis and your father, Major Wright come down together? A. Yes sir.  
 The Wallace roll of freedmen of the Cherokee Nation examined and name of applicant found thereon, page 148, 3091, 000weas000, wes district.

HARRY STILL, being duly sworn, by Commissioner T. B. Needles, testified as follows ( By Mr. Lawson )  
 Q State your name? A. Harry Still.  
 Q Residence? A Hayden.  
 Q Are you acquainted with Edward Wright, the applicant? A. Yes sir.  
 Q Where did you first get acquainted with him? A I have been acquainted with him ever since '59.  
 Q Where did you first know him? A. Knewed him up in Goingsnake district.  
 Q Cherokee Nation? A. Yes sir.  
 Q Was he a slave? A Yes sir.  
 Q Who was his last master? A. Eli Wright.  
 Q Did you know him while he belonged to Eli Wright? A Yes sir.  
 Q Did Eli Wright leave the Cherokee Nation during the war? A Yes sir.  
 Q Do you know where he went? A. Yes sir.  
 Q Where did he go? A. Fort Scott.  
 Q Fort Scott what? A Kansas.  
 Q About what year? A. I think, I ain't certain, I think it was '62.



or '63, he didn't go when I did but he went out shortly after I went out.

Q Well, did you see him up at Fort Scott? A Yes sir.

Q Did you know Ed Wright's mother? A Yes sir.

Q What was her name? A We called her Katie Walkingstick.

Q Was she the wife of Moses Whitmire? A Yes sir.

Q Did you see them during the war? A Yes sir.

Q Where were they? A Fort Scott, Kansas.

Q Well, was Ed Wright up there with him? A Yes sir.

Q What relation is Ed Wright to Katie Whitmire? A. Same as Katie Whitmire.

Q Do you know when Ed Wright returned to the Cherokee Nation? A Yes sir.

Q When? A Fall of '66.

Q 1866? A Yes sir.

Q You were with the crowd that come back? A. No sir; when I come here I come the other way and I left Lawrence and they left Fort Scott and when I got home they was all here.

Q Where did they stay? A Right on the Hill this side of Salt creek.

Q At that time was Ed Wright living with Moses and Katie Whitmire? A Living right in the house with him.

Q Where has Ed Wright lived ever since '66? A He has lived there under the mill, went from there and staid with Moses on the place where Moses lives now, until he married and moved back to Salt creek and moved out on the prairie where he is living now and has been living there ever since.

Q Has he been living in the Cherokee Nation entirely ever since '66? A Yes sir, I have been more or less with him ever since.

Q And you know that he come back with Moses Whitmire and Katie Whitmire in the fall of 1866? A Yes sir lived with them all the time.

Q You know his wives did you? A. Yes sir.

Q How many wives did he have? A. Two.

Q What was the name of his first wife? A. Mary.

Q And name of his second wife? A. Jose.

Q Did he have children by his first wife? A. Yes sir.

Q What are the names of the children? A. John and Dave.

Q Which is older John or Dave? A. John is the oldest child.

Q Do you know whether or not their names, either of those names appear upon the authenticated roll of 1880? A I think they had, I think John's name is on there.

Q Well, how long did Ed Wright live with Moses Whitmire after he come back here in '66? A He lived with Moses during the war, come back here with him and lived with him until he married Mary; he left Moses when he married his first wife and come back on the place where Moses stopped.

Q By Mr. Hastings

Q Who come along as you come? A Well, I had my mother and my sister sold with me. Joe King, Elda Lacey, and Aunt Nancy started with me and she died at Timbered Hill.

Q And you testified in the Mariah Hayden case didn't you? A Yes sir.

Q You didn't come along when any of the Whitmires come? A. No sir.

Q They were here? A. Yes sir.

Q Where was this fellow living when you come? A. Living with Moses.

Q Did he have a house? A. No sir, well Moses had started a house to build here himself ended and went back to have his family.

Q You don't know how long they had been here at that time? A. They hadn't been here a great while when I come.

Q Who did you live with when you first come? A. Lived with my mother.

Q What did she live with? A. With me.

Q Did you have a place at that time? A. Made it.

Q Where was that? A. Rachel place.

Q Where is that from the Hayden postoffice now? A. Two miles west.

Q Did you make a crop there in '66? A. No sir, didn't make any crop.

Q Where did you make a crop there? A. We really never did make a

crop there, had a little patch there, that is, until we moved to the

other place.

EDWARD WRIGHT, the applicant recalled (By Mr. Hastings):  
 Q Where did you go to school to, Kansas and here in  
 the Cherokee Nation after I came home?  
 A Yes you go to school here during the war? A Yes sir.  
 Q And you go to school after the war is there? A Yes sir.  
 Q How long? A All the time after I come down here on Big Creek.  
 Q Was there a school there then? A Subscription school.  
 Q Did you go to school there after the war? A Yes sir.  
 Q Before you came down here? A Yes sir.  
 Q How long? A Well, in all my schooling I haven't had but three years.

Now, Needles, - Edward Wright applies for the enrollment of himself.  
 He cannot be identified upon the authenticated roll of 1860 or  
 census roll of 1862. He is identified upon the Kern Bliston and  
 Wallace rolls according to the page and number of the rolls as  
 indicated in the testimony. He avers that he is the child of  
 Katie Whitmire who is the wife of Moses Whitmire, and that he  
 was a slave and belonged to one Eli Wright, a free man.  
 The name of the mother is identified upon the authenticated roll  
 of 1860. He avers that he has one son named David, who is iden-  
 tified upon the authenticated roll of 1860. He avers in his tes-  
 timony that John Henry Wright a child of his was on the 1860  
 roll, but he is not found. He makes satisfactory proof as to his  
 residence. The weight of the testimony is that the said  
 Edward Wright is entitled to enrollment as a Cherokee Freedman  
 and now because the Cherokee Nation protests against his enroll-  
 ment, he will be listed for enrollment as a Cherokee freed-  
 man upon a doubtful card. He will be duly notified by mail of  
 the decision of the Commission when arrived at.

Mr. Hastings: The Representatives of the Cherokee Nation de-  
 sire to call attention to the fact that David Whitmire is en-  
 rolled with the family of Moses and Katie Whitmire, and that his  
 mother was a Cherokee freedman.

\*\*\*\*\*

J. C. Rosson, being first duly sworn, states that as stenographer  
 to the Commission to the Five Civilized Tribes he correctly recorded  
 the testimony and proceedings in this case, and that the foregoing  
 is a true and complete transcript of the stenographic notes thereof.

Signed J. C. Rosson  
 Subscribed and sworn to before me this 10th day of July, 1901.

Signed T. B. Needles  
 Commissioner.

\*\*\*\*\*  
 C. von Zeitz, upon my oath states that the foregoing is a true  
 copy of the original.

Subscribed and sworn to before me this 26th of August, 1901.

Commissioner.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Wesata, I.T., June 24, 1901.

In the matter of the application of John Wright for the enrollment of himself as a Cherokee Freedman, being sworn and examined by Norman Jones Needles, he testified as follows:

- Q What is your name? A John Wright.  
Q What is your age? A 38.  
Q What is your post-office? A Winita.  
Q What district do you live in? A Gourdswallow.  
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.  
Q What do you want to enroll besides yourself? A No one.  
Q Your name on the roll of 1890? A No sir.  
Q Is it on any other of the rolls of the Cherokee nation Wallace and Clifton?  
Q What is your father's name? A Ed Wright.  
Q Is he living? A Yes sir.  
Q Your mother's name? A Mary Whitmore.  
Q Is she living? A No sir, she is dead.  
Q You claim your citizenship through your father or mother? A My father.

Kera-Clifton pay roll of citizens of the Cherokee nation examined and applicant identified on  
page 122 #3039 John Wright, Gourdswallow District.

- Q Have you ever applied to the Cherokee authorities to be admitted as a Cherokee Freedman? A No sir.

Wallace roll of citizens of the Cherokee nation examined and applicant identified on  
page 144 #3092 John H. Wright, Gourdswallow District.  
1890 authenticated roll and 1896 census roll of citizens of the Cherokee nation examined and applicant not found thereon.

- Q Where were you born? A In the Cherokee nation.  
Q Where have you lived since you were born? A Lived here ever since.  
Q Always in the Cherokee nation? A Yes sir.  
Q Are you married? A Yes sir.  
Q Is your wife a citizen? A Yes sir.  
Q You apply for her to enroll? A Yes sir.  
Q Not living with her? A Yes sir.  
Q Are applying for herself? A Yes sir.  
Q Have you any witnesses or do you want to refer to your father's testimony? A I have some witnesses here, Harry Still and Lewis Whitmore and Moss Whitmore.  
Q You were born here? A Yes sir.  
Q Where? A On Salt Creek.  
Q You lived on Salt Creek ever since? A Yes sir.

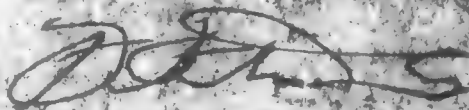
John's Needles: John Wright applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1890 or the census roll of 1890; he is fully identified upon the Kera-Clifton and the Wallace rolls, according to page and number of the roll as indicated in the testimony. He swears that he is a child of Ed Wright and Mary Whitmore, his father, Ed Wright, is duly listed for enrollment on all cards; the applicant claims his citizenship through his father; the testimony taken in the case of his father's enrollment will be made a substantiation to the case at bar and a copy thereof will be filed in the file; said John Wright will now be listed for enrollment as a Cherokee Freedman on a separate card. He

John Wright:

will be notified by mail of the action of the Commission when arrived at.

H. B. Owen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly transcribed the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes in regard

Subscribed and sworn to before me this July 2, 1901.



Notary Public



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al., for  
enrollment as Cherokee Freedmen, consolidating the applications of

Joe Ross,.....	Cherokee Freedmen D-350
Chlora Grayson, et al.,.....	Cherokee Freedmen D-496
Aaron Webber,.....	Cherokee Freedmen D-216
Elizabeth Meigs,.....	Cherokee Freedmen D-391
George Meigs, Sr., et al.,...	Cherokee Freedmen D-394
John Meigs,.....	Cherokee Freedmen D-396
Flemings Meigs,.....	Cherokee Freedmen D-398
Irene Hanks, et al.,.....	Cherokee Freedmen D-401
Hattie Carrell, et al.,.....	Cherokee Freedmen D-402
Andrew Alberty, et al.,.....	Cherokee Freedmen D-404
Harriett Webber, et al.,....	Cherokee Freedmen D-407
Moses Webber,.....	Cherokee Freedmen D-408
Wesley Webber,.....	Cherokee Freedmen D-409
Edward H. Webber,.....	Cherokee Freedmen D-410
Samuel Beck, et al.,.....	Cherokee Freedmen D-775
Edward Wright,.....	Cherokee Freedmen D-818
John Wright,.....	Cherokee Freedmen D-834.

D E C I S I O N .

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Joe Ross, for himself; by Joe Ross, for his sister, Chlora Grayson, and her minor child, Gertrude; by Aaron Webber, for himself; by Elizabeth Meigs, for herself; by George Meigs, Sr., for himself, his wife, Matilda Meigs, and minor son, George Meigs, Jr., (Matilda Meigs is differently classified and is not embraced in this decision); by John Meigs, for himself; by Flemings Meigs, for himself; by Irene Hanks, for herself and minor child, George Hanks; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the date birth of Flamen Hanks; by Hattie Carrell, for herself, her sister, Katie Meigs, and brothers, Nathan and Henry T. Meigs; by Elizabeth Alberty, for herself, her husband, Andrew Alberty, and minor children, Mattie, Charity, Mollie, Ben and Dolly Alberty; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriett Webber, for herself and minor child, Millie H., and her ward, Hattie Webber; by Moses Webber, for himself; by Wesley Webber for himself; by Edward H. Webber, for himself; by Samuel Beck, for himself, his wife, Mary Beck, and minor child, Luquittie; by Edward Wright, for himself, and by John Wright, for himself.

The evidence shows that Joe Ross, one Peter Meigs, now deceased, husband of Elizabeth Meigs, Moses Webber, Sr., father of Aaron Webber, George Meigs, Sr., Cholora Grayson, Samuel Beck and Andrew Alberty, were slaves of Cherokee citizens at the commencement of the War of the Rebellion, and that during said War they left the Cherokee Nation.

Said Joe Ross, Peter Meigs and Moses Webber, Sr., returned to the Cherokee Nation in the fall of 1866, and located a claim on the public domain of the Cherokee Nation; they then went back to Kansas for their wives and families, and returned with them to said Nation in February or March, 1867.

Elizabeth Alberty, wife of Andrew Alberty, Mary Beck, wife of Samuel Beck, and Harriett Webber, are children of said Elizabeth and Peter Meigs, and, with the exception of the said Elizabeth Alberty, who has been born since 1866, were miners at the time of their parents' return to the Cherokee Nation. The said Elizabeth Alberty desires to be enrolled as Lizzie Alberty. Moses Webber, Wesley Webber and Edward N. Webber are children of said Harriett Webber, and have all been born since 1866.

George Meigs, Sr., returned with his father and mother to the Cherokee Nation in February or March, 1867, and was of age at that time.

John Meigs, Flemings Meigs and Irene Hanks have been born since 1866, and are children of, and claim right to enrollment through, the said George Meigs, Sr. The names of the said George Meigs, Sr., John Meigs, Flemings Meigs and Irene Hanks, are not found on the 1880 authenticated roll of the Cherokee Nation.

Cholora Grayson returned to the Cherokee Nation with her brother, Joe Ross, in February or March, 1867. She was then married and not a member of the family of Joe Ross, at the time of his return to the Cherokee Nation. Her name is not found on the 1880 authenticated roll of the Cherokee Nation. Her minor child, Gertrude, takes only such rights as are possessed by her mother.

Samuel Beck did not return to and establish his residence in the Cherokee Nation until after January 19, 1867. His name is not found on the 1880 authenticated roll of the Cherokee Nation.

Andrew Alberty returned to the Cherokee Nation and established a residence therein in 1866.

Hattie Carrell, Katie Meigs, Nathan Meigs and Henry T. Meigs have been born since 1866, and are the children of one Simon Meigs, and claim their right to enrollment through him. The evidence does not show that the said Simon Meigs was the slave of a Cherokee citizen, or free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion, who was residing therein on July 19, 1866, or within six months thereafter. The names of the said Simon Meigs, Hattie Carrell, and Nathan and Henry T. Meigs, are not found on the 1880 authenticated roll of the Cherokee Nation.

Aaron Webber has been born since 1866, and is the son of Moses Webber, Sr., who is identified on the 1880 authenticated roll of the Cherokee Nation as adopted colored. It is presumed from this enrollment that the Cherokee Nation recognized that Moses Webber, Sr., complied with the terms of the treaty of 1866. Edward Wright is the step-son of said Moses Webber, Sr., and was a miner and a member of the family of said Moses Webber, Sr., when he returned with them to the Cherokee Nation in February or March, 1867. John Wright is the son of Edward Wright, and takes the status of his father.



Hattie Webber, included in the application of said Harriett Webber, is the daughter of Jesse and Missie Roe. The evidence does not show that the said Jesse or Missie Roe, or any of their ancestors, were ever slaves of Cherokee citizens, or free colored persons residing in the Cherokee Nation at the beginning of the War of the Rebellion. The names of said Harriett Webber, Jesse Roe and Missie Roe are not found on the 1880 authenticated roll of the Cherokee Nation.

The evidence further shows that Joe Ross, Elizabeth Meigs, Andrew Alberty, Mary Beck, Harriett Webber and Edward Wright have resided in the Cherokee Nation continuously since their return thereto, as above mentioned; that all the applicants herein, born since 1866, have resided in the Cherokee Nation continuously since birth.

It is, therefore, the opinion of this Commission, that Aaron Webber, having been born since 1866, should be enrolled as a Cherokee Freedman, and that Joe Ross, Elizabeth Meigs, Andrew Alberty, Lizzie Alberty, Hattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dolly Alberty, Ned Alberty, Harriett Webber, Millie M. Webber, Moses Webber, Wesley Webber, Edward M. Webber, Mary Beck, Luquittie Beck, Edward Wright and John Wright should also be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495); it is further the opinion of this Commission that the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Hattie Carell, Katie Meigs, Nathan Meigs, Henry T. Meigs, Irene Hanks, George Hanks, Fleman Hanks, Chlora Grayson, Gertrude Grayson, Hattie Webber and Samuel Beck, should be denied, under the provisions of said Section twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED),

*George Meigs*

(SIGNED),

*C. R.*

(SIGNED),

*C. R. Breckinridge.*

*W. E. Stanley.*

Muskogee, Indian Territory,

this JUL 10 1903

C. M. McR.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al.,  
for enrollment as Cherokee Freedmen, consolidating the applica-  
tions of ---

Joe Ross,	Cherokee Freedmen D-350,
Chlora Grayson, et al.,	Cherokee Freedmen D-496,
Aaron Webber	Cherokee Freedmen D-216,
Elizabeth Meigs	Cherokee Freedmen D-391,
George Meigs, Sr., et al.,	Cherokee Freedmen D-394,
John Meigs,	Cherokee Freedmen D-396,
Flemings Meigs,	Cherokee Freedmen D-398,
Irene Hanks, et al.,	Cherokee Freedmen D-401,
Hattie Carell, et al.,	Cherokee Freedmen D-402,
Andrew Alberty, et al.,	Cherokee Freedmen D-404,
Harriet Webber et al.,	Cherokee Freedmen D-407,
Moses Webber,	Cherokee Freedmen D-408,
Wesley Webber,	Cherokee Freedmen D-409,
Edward N. Webber	Cherokee Freedmen D-410,
Samuel Beck, et al.,	Cherokee Freedmen D-778,
Edward Derrick	Cherokee Freedmen D-818,
John Wright,	Cherokee Freedmen D-834.

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Joe Ross for himself; by Joe Ross for his sister, Chlora Grayson and her minor grandchild, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Meigs for herself; by George Meigs, Sr., for himself, his wife Matilda Meigs, and his minor son, George Meigs, Jr. (the said Matilda Meigs, being differently classified, is not embraced in this decision); by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor son, George Hanks; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Flenon Hanks; by Hattie Carell for herself, her sister, Katie Meigs, and her brothers, Nathan and Henry T. Meigs; by Elizabeth Alberty for herself, her husband Andrew Alberty, and her minor children, Hattie, Charity, Nellie, Ben and Bellie Alberty; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriet Webber for herself and minor child, Millie M. Webber, and minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward N.



Webber for himself; by Samuel Beck for himself, his wife Mary, and his minor child, Luquittie Beck; by Edward Wright for himself; and by John Wright for himself.

On July 10, 1903, the Commission rendered its decision in this consolidated case, which was forwarded to the Department for its consideration, and on August 31, 1903, the Commission requested that the record relative to the application of Chlera Grayson et al., party applicants in this consolidated case, be returned for reconsideration, and on Oct. 3, 1903, the Department complied with said request of the Commission and returned said record and decision. On June 17, 1904, further proceedings were had in the matter of the application for the enrollment of Chlera Grayson, et al.

The record herein shows that on April 1, 1902, the Commission received a letter from the applicant in Cherokee Freedmen D-404, heretofore listed for enrollment as Elizabeth Alberty, wherein she states that she desires to be enrolled as Lizzie Alberty, and she will accordingly be considered in this decision under the last mentioned name. On June 6, 1904, the applicant in Cherokee Freedmen D 818, appeared before the Commission at Tahlequah, Indian Territory, and testified that his correct name was Edward Derriek, under which name he will be considered in this decision.

The evidence shows that Joe Ross, Chlera Grayson, Aaron Webber, Elizabeth Meigs, Peter Meigs, now deceased, husband of Elizabeth Meigs, Sam Webber, Sr., George Meigs, Sr., Andrew Alberty, Samuel Beck and Edward Wright, were slaves of Cherokee citizens at the commencement of the rebellion, and that during said rebellion they left the Cherokee Nation; the said Joe Ross, Peter Meigs and Sam Webber, Sr. returned to the Cherokee Nation in the summer or fall of 1866 and located some claims upon the public domain of the Cherokee Nation; they then returned to the State of Kansas for their families, and removed with them to the Cherokee Nation during the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck, wife of Samuel Beck, are daughters of Peter and Elizabeth Meigs, and were born in the Cherokee Nation prior to their parents removal to the State of Kansas, and returned to the Cherokee Nation with them; George Meigs, Sr., another child of Peter and Elizabeth Meigs returned to the Cherokee Nation with his parents at the time above mentioned. Millie M. Webber, Moses Webber, Wesley Webber and Edward M. Webber are the minor children of Harriet Webber, and possess no rights to enrollment except through their said mother, their father, Ellis Webber, not having returned to the Cherokee Nation within the time necessary to acquire rights as a Cherokee Freedman. Hattie Webber, included in the application of Harriet Webber, et al., is a daughter of Wesley Webber, Cherokee Freedmen D-407, and one Missy Rowe; it appears that the said Missy Rowe was born since 1866, and is the daughter of one Jesse Rowe, whose application for enrollment as a Cherokee Freedman was denied by this Commission, and which decision was approved by the Department on May 28, 1904; George Meigs, Jr. John Meigs, Flemings Meigs and Irene Hanks, are the children of George Meigs, Sr., and possess no rights to enrollment except through their said father, their mother, Lucinda Meigs, nee Towers, not being shown to possess any rights as a Cherokee Freedman; George Hanks and Flenon Hanks are the minor children of Irene Hanks, and possess no rights to enrollment as Cherokee Freedmen except through their said mother.

Hattie Carell, Katie Meigs, Nathan Meigs and Henry T. Meigs, have been born since 1866, and are the children of Simon Meigs and Fannie Meigs; the said Simon Meigs is the son of Peter and Elizabeth Meigs and returned to the Cherokee Nation with his parents the latter part of February or first of March, 1867; their mother, Fannie Meigs is not shown to possess any rights as a Cherokee Freedman, and in the absence of such showing it will be presumed that she possesses no such rights.

Andrew Alberty returned to the Cherokee Nation with his step-father, Peter Hudson, and the Commission have heretofore found, in the case of Peter Hudson, Cherokee Freedman D-604, that the said Peter Hudson returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation, and his enrollment was approved by the Secretary of the Interior, April 29, 1904; his wife, Lizzie Alberty, is the daughter of Peter and Elizabeth Meigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Hattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, are their minor children, born since 1866.

Samuel Beck returned to the Cherokee Nation and established a residence therein within the time specified in the decree of the Court of Claims above referred to, and has since continuously resided in said Nation. The minor applicant, Luquittie Beck, is the child of said Samuel Beck, and has continuously resided with her father since birth.

Chlora Grayson returned to the Cherokee Nation at the time the Webbers returned with their families, which was too late to acquire any rights, under Article nine of the Cherokee treaty of 1866; her minor grandchild, Gertrude Grayson, for whom she makes application, is the daughter of Armstead Foster, who is identified on the 1880 authenticated Cherokee tribal roll.

Edward Derrick returned to the Cherokee Nation with his mother, Katie Whitmire, and his step-father, Ness Whitmire, at the time the Whitmires and Webbers brought their families to the Cherokee Nation, which, from the evidence, is shown to have been the latter part of February or the first of March, 1867; John Wright is a son of Edward Derrick, born since 1866, and takes the status of his said father.

Aaron Webber returned to the Cherokee Nation with his brother, Sam Webber, in the summer of 1866.

It appears that Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and that the applicants, Gertrude Grayson, Lizzie Alberty, Hattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, have resided continuously in the Cherokee Nation since birth. None of the other applicants herein nor any of their ancestors through whom they claim, can be identified upon the 1880 authenticated Cherokee tribal roll.

It is, therefore, the opinion of this Commission that Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie

-4-

Alberty, Mattie Alberty, Martha Alberty, Nellie Alberty, Ben Alberty, Nellie Alberty, Ned Alberty, Samuel Beck and Luquistic Beck, should be enrolled as Cherokee Freedmen; and that the applications for the enrollment of Salora Grayson, Elizabeth Neigh, George Neigh, Sr., George Neigh, Jr., John Neigh, William Neigh, Jack Neigh, George Neigh, Fannie Neigh, Mattie Neigh, Mattie Neigh, Mary T. Neigh, Harriet Neigh, Willie N. Neigh, Mary Neigh, David Neigh, Neely Neigh, Richard N. Neigh, Mary Neigh, Edward Neigh and John Neigh, as Cherokee Freedmen, shall be denied, under the provisions of section twenty-one of the Act of Congress approved June 22, 1906 (34 Stat., 225), and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

(Signed) Yessie Sisk  
Chairman.

(Signed) T. B. Neelley  
Commissioner.

(Signed) C. R. Brookridge  
Commissioner.

Dated at Muskogee, Indian Territory,  
this APR 27 1906

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. John Wright;  
Vinita, I. T.  
Cherokee - F-D-634.  
Registrar.

TAMS BIXBY,  
T. B. NEEDLES,  
C. R. BRECKINRIDGE,

Commissioners.

10

70834

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
JUN 24 1901

  
ACTING CHAIRMAN

## MEMORANDUM OF APPLICATION.

## CHEROKEE FREEDMEN.

Date *June 24, 1901*  
 Post Office *Vienna T. T.*  
 District *Leas*

1. Name *John Wright* Age *28*  
 Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Year *K.C.* Page *122* No. *3039* District *Leas*

Parents:

Father *Ed Wright - living* Citizenship \_\_\_\_\_  
 Mother *Mary Whitmore dead* Citizenship \_\_\_\_\_

2. Name of wife \_\_\_\_\_ Age \_\_\_\_\_  
 Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by

*Ms. 1*

Stenographer

*M. R. Green*

*On Waller roll, Page 148 \*3092 as*  
*John H. Wright - Leas,*

*X Ref K. 818*



COPY.

Shoshone Freedmen  
B-550, Am.

Mustagee, Indian Territory, July 17, 1905.

W. W. Hastings,

Attorney for Shoshone Nation,

Chickasaw, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1905, in the consolidated case of Joe Ross, et al., granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Reigs, Andrew, Lizzie, Mattie, Charity, Nellie, Ben, Dollie and Ned Alberty, Harriett, Millie M., Moses, Wesley and Edward H. Webber, Mary and Inquittie Beck, Edward Wright and John Wright, and rejecting the applications for the enrollment of George Reigs, Sr., George Reigs, Jr., John and Fleming Reigs, Mattie Carroll, Katie, Nathan and Henry T. Reigs, Irene, George and Elmer Banks, Clara and Gertrude Graysen, Mattie Webber and Samuel Beck, as Shoshone Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Veebles,

Enc. B-55.

Commissioner in Charge.

Cherokee Freedman  
D-834

Muskogee, Indian Territory, August 15, 1903.

John Wright,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated July 10, 1903, granting, among others, your said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

Enc. D-83  
Register.

COPY.

Cherokee Freedmen  
D-350 et al.

Muskogee, Indian Territory, August 17, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Joe Ross et al., including the Commission's decision dated July 10, 1903, granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Meigs, Andrew, Lizzie, Hattie, Charity, Nellie, Ben, Dolly and Ned Alberty, Harriett and Millie M. Webber, Moses, Wesley and Edward W. Webber, Mary and Luquittie Beck and Edward and John Wright, and rejecting the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John and Flemings Meigs, Hattie Carrell, Katie, Nathan and Henry T. Meigs, Irene, George and Flenson Hanks, Ollara and Gertrude Grayson, Hattie Webber and Samuel Beck, as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

At the request of the attorney for the Nation there are also enclosed two copies of his general brief in the Cherokee freed-

-2-

non compliant, which he desires to have considered in connection with these others.

Respectfully,

T. B. Neel

Commissioner in Charge

Through the  
Commissioner of Indian Affairs.

Enc. 2-115

Land  
53558-1903  
56859-1903.  
61805-1903.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

A.C.T.

Washington, Oct. 3, 1903.

To the Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

In accordance with the request contained in your report of August 31, 1903, the record relative to the application of Clara Grayson, et al., parties applicants to the Joe Ross, et al., case, for enrollment as citizens of the Cherokee Nation, is returned. There is also enclosed the affidavit of Samuel Beck, a party to the case, which was filed in this office by Chester Howe, Esq., of this city, who requested that action be suspended on the case for a reasonable time in order that Samuel Beck might secure further and additional proof in relation to his right to enrollment. Mr. Howe has been advised of this action.

Very respectfully,

(Signed) W. A. Jones.  
Commissioner.  
A.C.T.

G.A.W.-L.C.

COPY.

Cherokee Freedmen

B-350, et al.  
Muskogee, Indian Territory, April 17, 1903.

Ball, Hastings & Davenport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1903, granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Mattie, Charity, Nellie, Ben, Dollie and Ned Alberty, Samuel and Laquittie Beck, and rejecting the applications for the enrollment of Chloera Grayson, Elizabeth, George Sr., George Jr., John and Flemings Neige, Irene, George and Flossie Hanks, Mattie Capell, Katie, Nathan and Henry F. Neige, Harriet, Millie M., Mattie, Moses, Wesley and Edward F. Webber, Mary Beck, Edward Berriek and John Wright, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). *Tams Bixby.*  
Chairman.

Incl. B-35.



COPY.

Cherokee Freedmen  
D-100, et al.

Mustoge, Indian Territory, April 17, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Joe Ross, et al., as Cherokee freedmen, including the Commission's decision dated April 17, 1903, granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Vebber, Andrew, Lizzie, Mattie, Charity, Nellie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Orlena Grayson, Elizabeth, George Sr., George Jr., John and Flossie Neige, Irene, George and Flossie Fanks, Mattie Carroll, Katie, Nathan and Henry T. Neige, Harriet, Millie M., Mattie, Moses, Wesley and Edward M. Vebber, Mary Beck, Edward Derrick and John Wright, as Cherokee freedmen.

Respectfully,

Incl. 8-66

Through the

Commissioner of Indian Affairs.

(SIGNED) *Tams Bixby.*  
Chairman.

COPY

Cherokee Freedmen

D-834.

Muskogee, Indian Territory, April 17, 1905.

John Wright,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-56  
Register.

(SIGNED) *Tams Bixby*  
Chairman.

C O P Y .

Land.  
30769-1905.  
43223-1905.  
44630-1905.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington.

June 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 17, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Joe Ross for himself, his sister, Chlora Grayson and her minor grand child, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Meigs for herself; by George Meigs, Sr., for himself and his minor son, George Meigs, Jr.; by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor children, George and Flemon Hanks; by Hattie Carrell for herself, her sister, Katie Meigs, and her brothers, Nathan and Henry T. Meigs; by Lizzie Alberty for herself, her husband, Andrew Alberty, and her minor children, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty; by Harriet Webber for herself, her minor child, Millie M. Webber, and her minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward W. Webber for himself; by Samuel Beck for himself; his wife, Mary and his minor child, Luquittie Beck; by Edward Derrick for himself; and by John Wright for

himself,

April 27, 1905, the Commission decided favorably to Joe Ross, Corrado Grayson, Aaron Webber, Andrew, Linnie, Hattie Charity, Nellie, Ben, Nellie and Ned Alberty, Samuel and Luquittie Beck and adversely to Chisora Grayson, Elizabeth, George Sr., George Jr., John and Fleming Meigs, Irene, George and Flossie Hanku, Hattie Carroll, Katie, Nathan and Henry T. Meigs, Harriet, Millie M., Mesta, Wesley and Edward H. Webber, Mary Beck, Edward Derrick and John Wright.

The record shows that Joe Ross, Chisora Grayson, Aaron Webber, Elizabeth Meigs, Peter Meigs (deceased) husband of Elizabeth Meigs, Sam Webber Sr., George Meigs Sr., Andrew Alberty, Samuel Beck and Edward Derrick were slaves of Cherokee citizens at the beginning of the war of the rebellion, and that during the war they left the Cherokee Nation; that Joe Ross, Peter Meigs and Sam Webber Sr., returned to the Nation in the summer or fall of 1866 and located claims upon the public domain of the Cherokee Nation; that they then returned to Kansas for their families and removed with them to the Cherokee Nation in the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck (wife of Samuel Beck) are daughters of Peter and Elizabeth Meigs, were born in the Cherokee Nation prior to their parents' removal to Kansas, and returned to the Cherokee Nation with them; George Meigs Sr., another child, returned with them at the same time. Millie M., Mesta, Wesley and Edward H. Webber are the minor children of Harriet Webber and possess no rights to

enrollment except through their mother, their father Ellis Webber, not having returned to the Cherokee Nation on or before February 11, 1867. Mattie Webber is a daughter of Wesley Webber and one Eliza Howe; Eliza Howe was born since 1866 and is the daughter of Jesse Howe, the rejection of whose claim was approved by the Department May 28, 1886. George Jr., John and Fleming Haigs and Irene Haigs are the children of George Haigs, Sr., and possess no rights to enrollment except through their father, their mother, Lucinda Haigs, born Ewers, not being shown to possess any rights as a Cherokee Freedman; George and Flossie Haigs are the minor children of Irene Haigs and possess no rights to enrollment except through their mother. Mattie Carroll, Katie, Nathan and Henry T. Haigs were born since 1866 and are children of Simon and Fannie Haigs; Simon is the son of Peter and Elizabeth Haigs and returned to the Cherokee Nation with his parents. Fannie Haigs is not shown to possess any rights as a Cherokee Freedman. Andrew Alberty returned to the Cherokee Nation on or before February 11, 1867; his wife Lillian Alberty, is the daughter of Peter and Elizabeth Haigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Mattie, Charity, Nellie, Ben, Del Rio and Ned Alberty are their minor children born since 1866. Samuel Beck returned to the Cherokee Nation and established a residence therein prior to February 11, 1867, and has since continuously resided therein.

2 4

The minor applicant Luquittie Beck is the child of Samuel Beck and has resided with her father since birth.

Chlera Grayson returned to the Cherokee Nation with the Webbers, subsequent to February 11, 1867; her minor grand child, Gertrude Grayson, is the daughter of Amstead Foster, who is identified on the 1866 authenticated Cherokee roll.

Edward Derrick returned to the Cherokee Nation the last of February or first of March, 1867; John Wright is his son born since 1866 and takes the status of his father.

Aaron Webber returned to the Cherokee Nation in the summer of 1866. Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and the applicants, Gertrude Grayson and Lizzie, Mattie, Charity, Mollie, Ben, Bellie and Ned Alberty have resided therein continuously since birth. None of the other applicants, nor any of their ancestors, through whom they claim, can be identified on the 1866 authenticated Cherokee roll.

There is also enclosed briefs in behalf of Edward Derrick and Mary Beck which have received due consideration.

In view of the record the approval of the Commissioner's decision is recommended.

Very respectfully,

S. F. Karrabee  
Acting Commissioner.

H. M. M.  
V.



C O P Y .

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 7838-1905.

8884- 2

8888- 2

June 23, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On April 17, 1905, the Commission to the Five Civilized Tribes transmitted for departmental consideration the record in the matter of the consolidated applications of Joe Ross, Chloa Grayson et al., Aaron Webber, Elizabeth Weigs, George Weigs, Sr., et al., John Weigs, Flemings Weigs, Irene Hanks et al., Mattie Carroll et al., Andrew Alberty et al., Harriet Webber et al., Moses Webber, Wesley Webber, Edward H. Webber, Samuel Beck et al, Edward Derrick, and John Wright, for enrollment as Cherokee freedmen, together with its decision dated April 17, 1905. There was also transmitted a general brief and argument for these applicants, prepared by their attorneys, also an argument on behalf of Edward Derrick, prepared by his attorney.

On September 7, 1905, the attorneys for the applicants filed motions for review in the matter of the application of Joe Ross et al., Mattie Carroll et al., Elizabeth Weigs, Elizabeth Weigs et al., George Weigs, Sr., et al., Edward H. Webber, Harriet Webber, Moses Webber, and Wesley Webber et al.

No proper reason appears for granting said motions for review and they are hereby denied.

Reporting June 16, 1900, the Indian Office recommends that the decision of the Commission to the Five Civilized Tribes in this consolidated case be approved. A copy of its letter is inclosed.

A careful consideration of the record, together with the arguments submitted, leads the Department to the opinion that the Commission's decision is correct. The applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie Alberty, Mattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Nellie Alberty, Ned Alberty, Samuel Beck, and Luquittie Beck are hereby approved, and you will enroll them as Cherokee freedmen. The applications for the enrollment of Chloera Grayson, Elizabeth Neigs, George Neigs, Sr., George Neigs, Jr., John Neigs, Flemings Neigs, Irene Neigs, George Neigs, Elmon Neigs, Mattie Carroll, Katie Neigs, Nathan Neigs, Henry T. Neigs, Harriet Webber, Willie E. Webber, Mattie Webber, Moses Webber, Wesley Webber, Edward F. Webber, Mary Beck, Edward Herrick, and John Wright as Cherokee freedmen are hereby denied.

Respectfully,

Joseph E. Wilson

Assistant Secretary.

1 inclosure.

~~Cherokee freed-~~

Sam D. Ross et al.

Mustagee, Indian Territory, July 6, 1906.

Alno & Bulger,

Attorneys for Sam Ross, et al.,

Barter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the five civilized Tribes dated April 17, 1906, granting the applications for the enrollment of Sam Ross, et al. and rejecting the applications for the enrollment of Chlera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 28, 1906, and that the motion filed by you September 7, 1906, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-6  
MHP

Commissioner.

Cherokee freed-  
men B. 380 et al.

Washkee, Indian Territory, July 6, 1906.

Louis T. Brown,

Attorney for Joe Ross, et al.,  
Washkee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 26, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-7  
MFP

Commissioner.

Cherokee freed-  
men D. 380 et al.

Muskogee, Indian Territory, July 6, 1906.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1906, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. P-7  
HDP

Cherokee freed-  
man D. 834

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

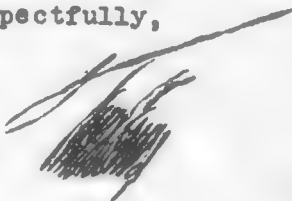
Muskogee, Indian Territory, July 6, 1906.

John Wright,  
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by your attorneys September 7, 1905, for review of your case was denied by the Department on said date.

Respectfully,



Commissioner.

MMP



( COPY )

D.C. 55848-1906.

STARR & PATTEN,

Attorneys at Law,

Vinita, I. T.

December 22nd 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee I T

Dear Sir:

Referring to the Cherokee Freedmen Enrollment cases of Luella Shaden et al and Chlora Grayson et al we beg to advise you that we have repeatedly reminded these applicants that they ought to file all of the affidavits they can secure in support of their motion for rehearing and in as much as they have given the matter no further attention the case might as well be forwarded for Departmental action as soon as your office is ready for it to go forward as we have nothing further to offer in support of this motion for rehearing.

Yours truly,

(Signed) Starr & Patten.

J.C.S.

Hedges, Indian Territory, December 27, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith a motion filed August 20, 1906, by Starr & Patton, attorneys for applicant, Vinita, Indian Territory, for a rehearing of the Cherokee Freedmen consolidated case of Joe Ross et al., No. 2, 200 et al., insofar as it rejects the applicant's Chlova Grayson, et al. With their letter of October 10, 1906, said attorneys forwarded affidavits by Jack Vann and Morton Little, which they requested be filed in support of their motion, and they also requested that they be allowed thirty days within which to file additional affidavits in support of their motion. Since that time they have filed no new affidavits. These attorneys represent practically all of the Cherokee Freedmen cases that are now pending, and they have filed a number of motions to review all reopen pending cases. They have also filed from time to time, affidavits and additional motions in support of their motions filed within the time limited by the Act of April 20, 1906. On November 21, 1906, said attorneys verbally advised the office that they had filed all of the papers they desire in connection with their motions.

Secretary-2

June 28, 1904 (I. T. D. 7550-6234-0000-1905), the Department affirmed the decision of the Commission to the Five Civilized Tribes favorable to a part of the applicants embraced in the Cherokee freedmen consolidated case of Joe Ross et al., and adverse to a part of the applicants therein. The motion referred to applies to applicants embraced in said case to whom the decision was adverse.

An examination of the original record in this case shows that the motion for a rehearing is without merit. The applicants in the case were represented in the hearing of the case by able attorneys, and a great mass of testimony was introduced in their behalf and on behalf of the Attorney for the Cherokee Nation. The motion is based upon the ground of newly discovered evidence, but there is no affidavit by any of the applicants showing that the evidence they now seek to introduce is newly discovered, or that with due diligence they could not have secured it when the case was heard before the commission. Both of the parties to the affidavits filed in support of the motion reside in the Cherokee Nation, and when the Commission was engaged in hearing Cherokee freedmen cases, they testified in a number of cases.

It is respectfully recommended that the motion for a rehearing be denied.

Secretary-3

There is enclosed a motion filed August 24, 1906, by Levely & Givens, Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in said case. The protest of the Attorney for the Cherokee Nation, filed September 26, 1906, against this motion is also enclosed. The applicant, Mary Beck, was born prior to the breaking out of the war of the rebellion, and in accordance with the provisions of the Act of Congress approved April 26, 1906 ( 34 Stat., 137), she can not claim a constructive residence in the Cherokee Nation on account of the return to the Cherokee Nation of her father, Peter Neigs. The record in this case, as well as the records in various other Cherokee freedmen cases, shows that the family of Peter Neigs, and also the families of the persons with whom Peter Neigs returned to the Cherokee Nation after the war of the Rebellion, did not return to the Cherokee Nation until subsequent to February 11, 1867.

It is recommended that this motion for review be denied.

There is also enclosed a motion for review of the Cherokee freedmen case of Edward Derrick, one of the applicants in said case. This motion was filed August 24, 1906, by Ray T. Osborne and W. J. Sullivan, attorneys for applicant. This motion

Secretary-4

has no merit, for the reason that it does not point out any erroneous construction of the law in the Department's decision. It is also respectfully recommended that this motion be denied.

Respectfully,

Through the

Commissioner of Indian Affairs.

Encl. B-9

Commissioner.

(MN)

(COPY)

JP JT

DEPARTMENT OF THE INTERIOR,

LHB

WASHINGTON.

L.T.D. 1264-1907.  
D.C. 6292-1907.

January 24, 1907.

LHB

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On January 18, 1907 (Land 8037), the Indian Office transmitted your report dated December 27, 1906, submitting for departmental consideration a motion for rehearing filed in behalf of Chlova Grayson et al., a motion for review filed in behalf of Mary Buck, and a motion for review filed in behalf of Edward Derrick, the last two motions involving persons who are parties to the first motion.

The attorney for the Cherokee Nation files protests which apparently covers nearly all of the parties named in the motions. Argument is also submitted by the attorneys for Edward Derrick.

You recommend, for reasons set forth in your report, that all the motions be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department has considered these motions, together with the few supporting affidavits filed, the argument of attorneys on behalf of the applicants and the Nation, and the original



records. In regard to the motion for rehearing, the affidavits submitted show no evidence not heretofore considered by the Department. The record is voluminous, and it would appear that in the five years elapsing since the filing of this application ample time has been given to permit the applicants, by the exercise of due diligence, to have secured the necessary evidence to establish their rights in Cherokee Creek.

The motions for review point out no specific error; and allege error in your decision, when in fact the decision in the case was made by the Commission to the Five Civilized Tribes.

The three motions transmitted are without merit. They are hereby denied.

The papers are returned for the files of the Indian Office.

Respectfully,

Through the Commissioner  
of Indian Affairs.

John Ryan  
First Assistant Secretary.

1 Inc. and 25 to Ind. Ct.

(COPY)

Refer in reply to the following:

Last.  
75-1907  
2937-1907  
31921-1906

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

January 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of the Commissioner to the Five Civilized Tribes, dated December 27, 1906, transmitting motion for a re-hearing in the Cherokee Freedman consolidated case of Joe Ross, et al., in so far as it rejects the applicants, Chlera Grayson, et al.

This motion was filed with the Commissioner on August 20, 1906, by Starr and Patton, attorneys for the applicants, at Vinita, I. T. With their letter of October 10, 1906, the attorneys furnished the Commissioner affidavits by Bush Vann and Stephen Little, to be filed in support of their motion.

On June 28, 1906 (I. T. D. 7832, 2224, 1900-1906), the Department affirmed the decision of the Commission favorable to a part of the applicants entered in the Cherokee Freedman case of Joe Ross, et al., and adverse to a part of them. The action herein applies only to the applicants entered in Departmental decision who were rejected thereby.

In suggestion herewith the attention of the Department is invited to a report of Commissioner Rixey dated January 7, 1907, which is transmitted on this day in connection with the

Cherokee Freedmen case of Chisora Grayson, et al., with which is enclosed copy of letter from Starr and Patten, attorneys for the applicants, dated December 22, 1906, saying that they have repeatedly called the attention of the applicants to the necessity of filing further affidavits in support of their motion for a re-hearing, and that they have given the matter no further attention. For this reason they say they have nothing further to offer in support of the motion.

The record in this case shows that the applicants were represented in the hearing by able attorneys and a great mass of testimony was introduced on their behalf and on behalf of the attorneys for the Cherokee Nation. The motion is based on the ground of newly discovered evidence, but in view of the letter from the attorneys for the applicants saying that no further affidavits will be filed in support of the motion, and of the further fact that it is not shown that with due diligence the evidence could not have been secured when the case was heard before the Commission, it is recommended that the motion for re-hearing be denied.

There is also enclosed a motion filed with the Commissioner to the Five Civilized Tribes, August 24, 1906, by Levely and Givens, of Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in the case of Joe Ross, et al. The protest of the attorney for the Cherokee Nation, filed with the Commissioner September 24, 1906, against this

motion, is also forwarded herewith.

The record herein shows that Mary Beck was born prior to the breaking out of the War of the Rebellion, and in accordance with the provisions of the Act of April 26, 1906 (34 Stat. L., 137), she cannot claim constructive residence in the Cherokee Nation on account of the return thereto of her father, Peter Neigs.

The record further shows that the family of Peter Neigs, and also the families of persons with whom he returned to the Cherokee Nation after the war, did not return until subsequent to February 11, 1867. It is recommended that this motion for review be denied also.

Edward Derriak, one of the applicants in the case of Joe Ross, et al., by his attorneys, Roy T. Osborne and W. J. Sullivan, filed a motion for re-hearing with the Commissioner on August 24, 1906, which is enclosed.

As this motion fails to point out any erroneous construction of the law in the Department's decision, it is recommended that it be denied.

The record in the case is herewith enclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJV-D

REFER IN REPLY TO THE FOLLOWING:

Cherokee F.

R 814

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.



Muskogee, Indian Territory, February 15, 1907.

John Wright,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of yourself, et al., filed by your attorneys, Starr & Patten, Vinita, Indian Territory, on August 20, 1906, was denied by the Secretary of the Interior, January 29, 1907.

Respectfully,



JMH

Commissioner.



Cherokee F.  
R. 811.

Muskogee, Indian Territory, February 15, 1907.

Starr & Patten,

Attorneys for Chlora Grayson, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that a motion, filed by you August 20, 1906, for a rehearing of the Cherokee Freedmen enrollment case of Chlora Grayson, et al., was denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. R-1  
JMH

Commissioner.



Cherokee F.  
R811 et al.

Muskogee, Indian Territory, February 15, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of Chlorea Grayson, et al., filed August 20, 1906, and motions for review of the Cherokee freedmen enrollment cases of Mary Beck and Edward Derrick, filed August 24, 1906, were denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-12  
JMH

Commissioner.

Register No. 406  
361

Return to Mr. Wright,

Vinita, Indian Territory.

Return to Winter  
U.S. D.

REGISTERED  
MAIL

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

REGISTERED  
MAY 21 1906  
Vinita, Ind. Ter.

REGISTERED  
MUSKOGEE, IND. TER.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

VINITA, IND. TER.  
AUG 8  
1030AM  
1906

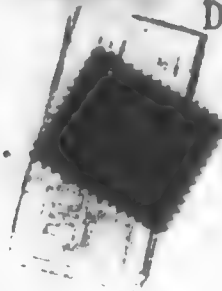
OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE \$300

Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



John Wright,

Vinita, Indian Territory.



11893

281  
281

REGISTERED  
AUG 12 1905  
VINITA, IND. TER.

MUSKOGEE, IND. TER.  
1905

Cher. Fr. R 815

Cher. Fr. R 815

Trans. from Cher. Fr. D 818

Deceased, husband, Edward Derrick, on Name.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, Indian Territory, Oct. 16, 1900.

In the matter of the application of Josie Derrick for the enrollment of herself, husband and seven children as Cherokee citizens being sworn and examined by Commissioner Mackinridge and testified as follows:

Q Give us your full name? A Josie Derrick.  
Q How old are you? A 35.  
Q What is your post-office? A Hayden.  
Q In what district do you live? A Cooweescoowee.  
Q Who is it you want to have enrolled? A Myself and family.  
Q Have you a husband? A Yes sir.  
Q How many children? A I have 7.  
Q Are you a Cherokee by blood? A Yes sir.  
Q What proportion of Cherokee blood do you claim? A I could n't tell you pretty near full-blood, I think.  
Q Is your husband a Cherokee by blood? A No sir, he is a freeman.  
Q How long have you lived in the Cherokee Nation? A I have never been out of it.  
Q What was your name before you were Derrick? A Sanders.  
Q Is that your maiden name? A Yes sir.  
Q When were you married? A I was married, - I couldn't tell you what year, I have been married pretty near 20 years.  
Q Give me the name of your father? A Rider Sanders.  
Q Is he dead? A Yes sir.  
Q Give me the name of your mother? A Jennie Sanders.  
Q Is she dead? A Yes sir.  
Q How long has your father been dead? A My father has been dead about 32 years.  
Q How long has your mother been dead? A She has been dead 33 years.  
Q Give me the name of your husband? A Edward Derrick.  
Q How old is he? A He is about 80.  
Q Give me the names of your children? A Nellie Jane Derrick.  
Q How old is she? A She is 16.  
Q Give me the name of the next child? A Jennie Ada.  
Q How old is she? A She is 14.  
Q Give me the name of the next child? A Mattie.  
Q How old is Mattie? A She is 12 years old.  
Q Next child? A Henrietta.  
Q How old is she? A 10 years old.  
Q Next child? A Eddie.  
Q That a boy? A No sir, it's a girl.  
Q How old is that child? A She was born in 1894, six years old.  
Q Now the next child? A William Henry.  
Q How old is he? A He is four years old.  
Q Next child? A Charley Barton.  
Q How old is he? A He is not a year old yet.  
Q Are all children are all living? A Yes sir.  
Q Who brought you up? A My grandfather Harry Buffington.  
Q Did you ever go to the Orphan Asylum? A No sir.  
1347 roll examined for applicant and name not found.  
1348 roll page 401 1349 Josie Derrick Cooweescoowee District, Freedmen roll.  
1349 roll examined for husband and name not found.  
1350 roll page 401 1340 Nellie Jane Derrick Cooweescoowee, Freedmen roll.  
1351 roll page 401 1341 Jennie A. Derrick  
1352 roll page 401 1342 Mattie Derrick  
1353 roll page 401 1343 Henrietta Derrick  
1354 roll page 401 1344 Eddie Derrick  
1355 roll page 401 1345 William Henry Derrick  
1356 roll page 401 1346 Charles Barton Derrick

guished from the rolls of 1890.

Sam's Breckinridge. The applicant applies for the enrollment of herself, her husband and seven children; she is identified on the Freedmen's roll of 1866 with her children; and she cannot otherwise be identified; her application for enrollment as a Cherokee is therefore rejected, she having no rights as a Cherokee by blood, as shown by the record.

Of her seven children, the first six named in the application are identified as the Freedmen with her on the Freedmen's roll of 1866; they are not identified on the Cherokee roll of 1890, as the applicant herself is not; they have no rights as a own by the record except as Freedmen, and therefore their application for enrollment as Cherokees by blood is rejected.

Her husband is not identified upon any roll, nor is it shown that he has in any manner ever acquired rights of any character; the Commission is not deemed to have any jurisdiction over his application, and simply a memorandum will be made to that effect; if it is desired that this matter should be reported to the Secretary of the Interior, it will be done upon receipt of a written request to that effect; when a certificate is filed of the birth of the youngest child Charles A. Derrick, this child will also be ~~listed~~ placed with its mother upon a rejected card.

M. D. Or, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*M. D. Or*

Subscribed and sworn to before me this 17th day of Oct 1900.

*J. H. [Signature]*

Commissioner



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
NOWATA, I.T., JUNE 22d, 1901.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman; said Wright being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Mr. E. B. Lawson, Attorney for Applicant.

Mr. W. W. Hastings, Cherokee Representative:

- Q What is your name? A Edward Wright.  
Q What is your age? A I was born in 1849, about 52a  
Q What is your post office? A Hayden.  
Q What district do you live in? A Cooweescoowee.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Who do you to enroll besides yourself? A Myself alone.  
Q Is your name on the roll of 1880? A No, sir.  
Q Is it on any of the rolls of the Cherokee Nation?  
A On the Kern-Clifton roll.

The 1880 Authenticated Roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 122, #3038, Edward Wright, Coowee-coowee District.

BY MR. LAWSON:

- Q Where were you born? A I was born in Tahlequah District.  
Q Cherokee Nation? A Yes, sir.  
Q How old are you? A I call myself about 53 years old.  
Q Were you a slave? A Yes, sir.  
Q Were you a slave at the breaking out of the war?  
A Yes, sir.  
Q Who was your owner? A Eli Wright.  
Q Was he a Cherokee? A Yes, sir.  
Q Where did he live? A In Going Snake District.  
Q What was your mother's name? A She went by the name of Katie Whitmire is the name she went by when she died.  
Q What is her name now? A Katie Whitmire.  
Q Is she the wife of Moses Whitmire? A Yes, sir.  
Q Who owned her at the breaking out of the war? A James Walkingstick.  
Q Was your mother a slave at the breaking out of the war?  
A Yes, sir.  
Q Does your mother's name appear on the 1880 roll as an authenticated citizen? A Yes, sir.  
Q Under what name? A Katie Whitmire.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant's mother found thereon, page 199, #3207, Kate Whitmire, Cooweescoowee.

- Q Did you leave the Cherokee Nation at the breaking out of the war, or during the war? A Yes, sir.  
Q With whom did you leave? A I went with Ellis Whitmire to Kansas.  
Q When did you return to the Cherokee Nation? A In the fall of '66.  
Q Fall of 1866? A Yes, sir.  
Q With whom did you return? A With Moses Whitmire, my stepfather and Lewis Whitmire and Ellis Whitmire and Nelson Whitmire.  
Q Was your mother in the crowd that returned with you?  
A Yes, sir.  
Q And that was in the fall of 1866? A Yes, sir.  
Q Have you been living in the Cherokee Nation since '66?  
A Yes, sir.

Edward Wright.--2.

- Q Have you li ved any other place since then? A No, sir.  
Q In what part of the Cherokee Nation have you been living?  
A Living in Coow cooscoowee, on Salt Creek.  
Q Have you been living in that same neighborhood ever since you  
returned to the Cherokee Nation? A Yes, sir.  
Q How many times have you been married? A Twice.  
Q Did you have any children by your first wife?  
A Yes, sir, had three.  
Q Are the names of any of those children on the 1880 roll?  
A One of them by the name of David.  
BY COM' R NEEDLES:  
Q Dave what? A I t hink he was Dave Whitmi re.  
BY MR. LAWSON:  
Q How old would he b e on the roll of 1880? A About two years  
old.  
Q Was he livi ng with Moses Whitmire and Katie Whitmire at that  
time? A Yes, sir.

The 1880 Authenticated roll of Freedmen of the Chero kee  
Nation examined and name of applicant's son fou nd thereon,  
page 199, #3208, Dave Whitmire, Coowoescoowee.

- Q Were any of your other children by your first marriage on the  
1880 roll? A No, sir, I think their mother is on the 1880 roll.  
Q But the children were left off? A Yes, sir.  
Q With the exceptionf of this one? A Only one, left off, one  
boy.  
Q What was yo ur boy's name that was left off the 1880 roll  
A John Henry.  
Q Was John Henry a full brother of this David you have just men-  
tioned? A Yes, sir, it if appear on any roll it wi ll be John  
Wright.

The 1880 Authenticated Roll of Freedmen of the Cherokee  
Nation examined and name of John Henry Wright not found  
thereon.

- Q Your present wife and children have been enr olled as Freedmen  
have they not? A Yes, sir, they have been enrolled.  
Q How long were you out of the Cherokee Nation during the war, Ed?  
A I don't know exac tly, I know I went to Kansas in '63 and  
remained there until '66, I thin k it was 1863 when I.  
Q Prior to the time you left in 1863, or you were taken away in  
1863, where did you li ve? A I lived in Fort Scott, Bourbon Co.,  
Kan sas.  
Q I say prior to the time you went away? A Do you mean here in  
the herokee Nati on?  
Q I asked y ou where you lived? A I lived in Going Snake District.  
Q From the time you were born up to the t ime you were taken out  
in 1863? A Yes, sir.  
Q Did you and your mother belong to the same Master?  
A No, sir, she belonged t o James Walki ngstick and I belonged to  
Eli Wright.  
Q How did that come, were you sold? A Yes, sir; sold or attat hed  
or something; first man I lived with was Andy Griffin and some how  
I was attached, I was sold off and li ved with another man, and  
James Walkingstick I think bought her.  
Q Were you living in the Cherokee Nation in 1880?  
A Yes, sir.  
Q Why were you not en rolled on the 1880 roll? A I don't know,  
si r; my stepfather made application to the Court at Tahlequah, Bob  
Daniels Court, I t hink, and him and my mother was admitted and me  
and my uncle that was enrolled at Chikasa there rejected, paid Mr.  
Bill Bowdinet \$25 in defense and he never got us on the roll and  
my mother's name appeared on the roll.

Edward Wright.--3.

BY MR. HASTINGS:

- Q What town in Kansas did you go to? A Fort Scott.
- Q What did you do up there after the war was over, what kind of work? A I worked for the government up there about six or eight months with the Chain gang.
- Q That was after the war was over? A During the war.
- Q Who did you live with ~~me~~ up there just after the war?
- A I lived with my mother.
- Q Was Moses Whitmire up there, your stepfather? A Yes, sir.
- Q When did they marry during or just after the war?
- A They have been living together ever since I was little boy four or five years old, away before the war.
- Q What time of the year did you come back down here?
- A In the fall I think.
- Q Was it in cold weather? A Yes, sir.
- Q Now, who was along when you come back? A Lewis Whitmire, and Dennis Whitmire and my stepfather and Nelson Whitmire and Land Whitmire ~~and~~ ~~it~~ is about all.
- Q Did you go back to Kansas aft er that? A No, si r.
- Q Did y ou have any house down here when y ou come?
- A Yes, sir, the old man had been down and built I believe.
- Q Before that? A Yes, sir.
- Q And then you come down afterwards? A Yes, sir.
- Q How many times had y our stepfather been down here before you come? A I don't know exactly, I think it was one or two trips.
- Q Did you come when y our mother did? A Yes, sir.
- Q Had your mother been down here either of those other trips?
- A No, sir.
- Q You lived right up there with her? A Yes, sir.
- Q Where were you married the fir st time? A I was married on Lightning Creek.
- Q Over here near Salt Creek? A Yes, sir.
- Q Do y ou know Cal Coker? A Yes, sir, I know one Coker, acquainted with him.
- Q Did you know him when he come? A I knowed old man Coker.
- Q What other Cherokees were living over there about Coody's Bluff?
- A I don't know, Charley Hicks.
- Q Was he living over there at that time? A Yes, sir.
- Q Now, how far did you located from old man Coker an d Charley Hicks? A About five miles north.
- Q Did Charley Hi cks have a wife? A Yes, sir, had a woman and one adopted child.
- Q What was the girls name? A I don't know, she was a Creek girl ~~and~~ he was raising.
- Q Well, Charley Hicks was living over there when y ou came down?
- A I thin k he was or moved over t here directly afterwards, come from Tahlequah.
- Q Wheredid you make your first crop after you c ame down?
- Q Right where I am living now.
- Q Do you li ve wi th your stepfather yet?
- A No, sir, I am living to myself then.
- Q You were not li ving to yourself then? A No, sir.
- Q Did you make a crop on the same place where you are li ving now?
- A I don't know whether we made a crop the first year, there wasn't any plevs t o make a crop the first year we come here.
- Q Did Lewis come down with you? A Yes, sir.
- Q Was he married at that time? A I don't think he was.
- BY MR. LAWSON:
- Q Where did ~~Moses~~ Whitmire live now? A He lives on Lightning Creek.
- Q Well, did he ever li ve at the place where you lifa?
- A Yes, sir.
- Q Moved away and give it to y ou? A Yes, si r.
- Q And you have been li ving there ever since? A Yes, sir.

Edward Wright. 4-4.

MONES WHITMIRE, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. LAWRENCE.

- Q State your name? A Mones Whitmire.
- Q Are you on the 1880 roll, an authenticated citizen? A Yes, sir.
- Q Are you acquainted with Edward Derrick, or Edward Wright?
- A Yes, sir.
- Q By what name is he known? A Ed Wright we call him by.
- Q He goes sometimes by the name of Edward Derrick? A Yes, sir, that is his father's name.
- Q What relation, if any, are you to Edward Wright? A Not any, he is my son-in-law.
- Q Your wife's son? A Yes, sir.
- Q What is the name of your wife? A She is named Katie.
- Q Is she on the 1880 roll? A Yes, sir.
- Q Under what name? A Katie Whitmire I guess, for Katie Walkingstick, she is dead.
- Q When did she die? A About a year last September, little over a year.
- Q Where did you marry her and when? A I have lived with her, oh, I don't know how long, could not tell you hardly.
- Q Before the war? A Yes, sir, long before the war, sometime before the war, not so long.
- Q To whom did this Edward Wright belong or was he a slave before the war? A Eli Wright.
- Q Did he belong to Eli Wright at the breaking out of the war?
- A Yes, sir.
- Q Did you ever see Edward Wright before the war?
- A Yes, sir.
- Q Well, where was he living? A He was living up in Going Snake District when the war came up.
- Q Where were you living? A I was living down on the Barren Fork.
- Q About how far away? A About 12 or 13 miles.
- Q Were you living with his mother? A Yes, sir.
- Q Do you know whether or not Ed Wright left the Cherokee Nation during the late war? A Yes, sir.
- Q Where did he go? A He went up to Fort Scott, Kansas.
- Q How do you know he went up there? A I went up to the same time, pretty much, I think didn't go on up there at the same time, I got hold of him in the war and took him with me.
- Q Where did you get hold of him in the war? A At Mayesville, Arkansas.
- Q You say you got hold of him what did you do with him?
- A Kept him until I brought him down here.
- Q Where did you keep him? A Fort Scott, Kansas.
- Q When did you bring him down to the Cherokee Nation?
- A In '68 when we moved with my family.
- Q Who else was in the crowd that came down with you?
- A There was a lot of the, Lewis Wright and Darnia and I moved.
- Q Where did you move to when you came? A Down here on Salt Creek.
- Q Did Ed Wright live with you? A Yes, sir.
- Q How long did he live with you? A I don't know exactly how many years, until he married and I give him that place he lives on now.
- Q Is he living on the first place you lived on? A Yes, sir.
- Q And that was in the fall of '69? A Yes, sir.
- Q Where has Ed Wright been living ever since the fall of '69?
- A Right there.
- Q Where? A Salt Creek.
- Q Cherokee Nation? A Yes, sir.
- Q Where did he live before the war and up to the time he left during the war? A He lived up in Going Snake District, Eli Wrights his Master.
- Q Ever live any other place up to the time he left here?
- A Yes, sir.
- Q You know him from the time he was a little boy? A Yes, sir.



Edward Wright.--J.

Q You know he was a slave? A Yes, sir.  
Q Was he ever a slave? A Yes, sir.  
Q Were you a slave? A Yes, sir.  
Q Did you know Ed Wright's wives, or did you know Ed Wright's wives?  
A Yes, sir.  
Q How many times has he been married? A Twice now I guess.  
Q Did he have any children by his first wife?  
A Yes, sir.  
Q What are the names of the children? A Dave and John and I forgot the girl's name that died.  
Q Are any of these children on the roll of 1880? A Well Dave ought to be.  
Q Is John? A No, sir.  
Q Was Ed Wright living in the Cherokee Nation in 1880?  
A Yes, sir, living right up there.  
Q Do you know why Ed Wright's name does not appear on the roll of 1880? A No, sir, I don't.  
Q Can you give any excuse for his not appearing? A No, sir; I know when I went down to enroll I took him and Mali's name down.  
Q Who is Mali's? A My wife's youngest.  
Q Did you enroll for Ed at that time? A I was trying to enroll for him, yes, sir; he was in my family and under age.  
Q You enrolled your wife at that time and it was your intention and you thought you were enrolling Ed? A Yes, sir, I give in their names.

BY MR. HASTINGS:

Q Mr. McCre, you employed a lawyer for Ed at that time?  
A Yes, sir.  
Q Mr. W. P. Boudinot? A Yes, sir.  
Q You paid him? A Yes, sir.  
Q You told him and the Court when he got back?  
A Yes, sir.  
Q That was all fresh on your mind? A Yes, sir.  
Q You didn't have any trouble getting your wife on the roll?  
A No, sir.  
Q You didn't have any trouble getting yourself on? A No, sir.  
Q You told them when you came back? A Yes, sir.  
Q And your wife? A Yes, sir.  
Q And told them when your children came back?  
A Yes, sir.  
Q And they enrolled you and your wife? A Yes, sir.  
Q That was a short time after you came back? A I was sometime after we came back, not very long though.  
Q It was all fresh in your mind at that time? A Yes, sir.  
Q What was this first wife's name? A Mary.  
Q What was her first name, Mary what? A Mary Bushyhead they called her.  
Q Where were they married? A Married on Lightfoot Creek.  
Q They were married before 1880? A Yes, sir.  
Q He was a Cherokee Freedman himself? A Yes, sir.  
Q She is dead? A Yes, sir.  
Q She died before 1880? A Yes, sir.  
Q And this Dave that is enrolled is her child? A Yes, sir.  
Q That is her child, but I told the enrolment taker about it and she gave it to my wife to raise as her child.  
Q And you give it in as your child? A Yes, sir.  
Q Now, you made two or three trips down here? A Yes, sir.  
Q You made two trips before Ed came with you? A Yes, sir.  
Q And he came with you on the third trip? A Yes, sir.

BY MR. LAWSON:

Q Did you employ Mr. Boudinot to look after your case, or Ed's case or all of your cases? A All of the cases.  
Q Employed him to look after the enrollment of you and your wife and Ed? A Yes, sir.

Edward Wright.--6.

BY COM'S NEEDLES:

- Q When did you come down here from Kansas on your third trip?  
A December.  
Q What year? A In '66.  
Q Then is when you brought Ed? A Yes, sir, moved here.  
Q At that time? A Yes, sir.  
Q Didn't bring him down on any of those other trips? A No, sir.  
Q Where was he? A Up there with his mother.  
Q How old was Ed when you brought him down?  
A He was a small boy; he had never left me.

LEWIS WHITMIRE, being duly sworn by Commissioner T. B.

Needles, testified as follows: BY MR. LAWSON:

- Q State your name. A Lewis Whitmire.  
Q Are you on the roll of 1880 as an authenticated citizen?  
A Yes, sir.  
Q Are you kin to Moses Whitmire? A Yes, sir, he is a half brother of mine.  
Q Do you know Edward Wright? A Yes, sir.  
Q The Applicant here? A Yes, sir.  
Q How long have you known him, Lewis? A I have knowed him ever since he was a little bit of a boy.  
Q Where did you first know him, where was he living? A He was living with his mother when I first knowed him, in Going Snake.  
Q Going Snake what? A District it is called.  
Q Cherokee Nation? A Yes, sir.  
Q Was Edward Wright a slave? A He was a slave, born slave.  
Q Who was his Master at the breaking out of the war? A Eli Wright.  
Q Do you know whether it not Ed Wright left the Cherokee Nation during the war? A He went out with his mother.  
Q At what time do you know? A I think it was in the winter of '62, along in the winter sometime, they all had to leave.  
Q Where did he go? A They went to Kansas.  
Q What place in Kansas? A I think it was somewhere near Fort Scott where they stopped, around it.  
Q Did you see Ed Wright immediately after the war?  
A Yes, sir, I seen him right here after the war.  
Q Do you know when Ed Wright returned to the Cherokee Nation?  
A He come with his step father, that is Moses and his mother.  
Q Who else was in the crowd? A With him, well Dennis and my father and me I was in the crowd.  
Q Was Ed Wright along with that crowd? A Ed Wright was with them.  
Q When was that? A It was in the fall of '66.  
Q Where did old Moses Whitmire stay when he come here? A Right on Salt Creek, under the bluff there on Salt Creek.  
Q Was Ed Wright living with Moses Whitmire at that time?  
A Yes, sir.  
Q What relation was Katie Whitmire to Ed Wright?  
A She was his mother.  
Q What relation was Katie Whitmire to Moses Whitmire, if any?  
A His wife.  
Q Where has Ed Wright lived since a 1867? A He has lived right about the place where he is at now.  
Q Still living there? A Yes, sir.  
Q Has he ever removed from the Cherokee Nation?  
A No, sir.  
Q Since 1867? A No, sir.  
Q Well, have you been living in the same neighborhood?  
A I live on Lightning Creek, four miles.  
Q Have you lived in that same neighborhood ever since you returned here? A Yes, sir.  
Q Now, you say you were in that crowd that brought Ed Wright down in 1866? A Yes, sir, I was in that crowd.



Edward Wright.--7.

Q And he came with Moses Whitmire's family did he? A Yes, sir.  
Q Do you know where Ed Wright stayed during the latter days of the war? A He stayed right with Mose until he married.  
Q Then after he married where did he go? A He stayed on the place right there joining his old stepfather and is living on that place now.

BY MR. HASTINGS:

Q You didn't witness for him before the Kern-Clifton Commission?  
A No, sir.  
Q You were around when they had the investigation then?  
A This is the first time I witnessed for this man.  
Q You were down before the Court when they all applied?  
A Yes, sir.  
Q Uncle Moses Whitmire applied for him at that time?  
A Yes, sir, he did.  
Q He didn't have any trouble getting on himself? A No, sir.  
Q He didn't have any trouble getting his wife on? A No, sir.  
Q You didn't have any trouble getting on? A No, sir.  
Q They didn't get this boy on? A No, sir.  
Q Did Aaron Whitmire come back with you? A No, sir; Aaron Whitmire come back a little while before we come.  
Q Before you first come down here? A No, sir.  
Q Well, now, about when did Aaron come? A Aaron come down in the fall of '66.  
Q Where did he locate? A Located right where; well, when he first come he made a crop on the place where Jim Martin owns and he stopped there and in the spring of '67 he made a crop there.  
Q Aaron come down ahead of you? A He moved down ahead of me and when we come to pick claims we all come together, that was in the fall and when we moved we didn't move together.  
Q Well, didn't you say you and Dennis and your father, Major Wright, come down together? A Yes, sir.

The Wallace Hall of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 148, #3091, Coconawasee District.

HARRY STILL, being duly sworn, by Commissioner T. B. Needles, testified as follows: BY MR. LAWSON:

Q State your name. A Harry Still.  
Q Residence? A Hayden.  
Q Are you acquainted with Edward Wright, the applicant? A Yes, sir.  
Q Where did you first get acquainted with him? A I have been acquainted with Ed ever since '59.  
Q Where did you first know him? A Knewed him up in Going Snake district.  
Q Cherokee Nation? A Yes, sir.  
Q Was he a slave? A Yes, sir.  
Q Who was his last Master? A Eli Wright.  
Q Did you know him while he belonged to Eli Wright? A Yes, sir.  
Q Did Ed Wright leave the Cherokee Nation during the war?  
A Yes, sir.  
Q Do you know where he went? A Yes, sir.  
Q Where did he go? A Fort Scott.  
Q Fort Scott what? A Kansas.  
Q About what year? A I think, I ain't certain, I think it was '62 or '63, he didn't go when I did but he went out shortly after I went out.  
Q Well, did you see him up at Fort Scott? A Yes, sir.  
Q Did you know Ed Wright's mother? A Yes, sir.  
Q What was her name? A We called her Katie Walkingstick.  
Q Was she the wife of Moses Whitmire? A Yes, sir.  
Q Did you see them during the war? A Yes, sir.  
Q Where were they? A Fort Scott, Kansas.  
Q Well, was Ed Wright up there with him? A Yes, sir.

Edward Wright.--8.

Q What relation is Ed Wright to Katie Whitmire? A Son of Katie Whitmire.

Q Do you know when Ed Wright returned to the Cherokee Nation?

A Yes, sir.

Q When? A Fall of '66.

Q 1866? A Yes, sir.

Q You were with the crowd that came back? A No, sir; when I came here I came the other way and I left Lawrence and they left Fort Scott and when I got here they was all here.

Q Where did they stay? A Right on the Hill this side of Salt Creek.

Q At that time was Ed Wright living with Mess and Katie Whitmire?

A Living right in the house with him.

Q Where has Ed Wright left ever since '66? A He has lived there under the hill, went from there and stayed with Mess on the place where Mess lives now, until he married and moved back to Salt Creek and moved out on the prairie where he is living now and has been living there ever since.

Q Has he been living in the Cherokee Nation entirely ever since '66? A Yes, sir, I have been more or less with him ever since.

Q And you knew that he came back with Mess Whitmire and Katie Whitmire in the fall of 1866? A Yes, sir, lived with them all the time.

Q You knew his wives did you? A Yes, sir.

Q How many wives did he have? A Two.

Q What is the name of his first wife? A Mary.

Q And name of his second wife? A Jess.

Q Did he have children by his first wife? A Yes, sir.

Q What are the names of the children? A John and Dave.

Q Which is the elder John or Dave? A John is the eldest child.

Q Do you know whether or not their names, either of those names appear upon the authenticated roll of 1868? A I think they had, I think John's name is on there.

Q Well, how long did Ed Wright live with Mess Whitmire after he came back here in '66? A He lived with Mess during the war, came back here with him and lived with him until he married Mary; he kissed left Mess when he married his first wife and came back on the place where Mess stayed.

BY MR. HASTINGS:

Q Who came along as you came? A Well, I had my mother and my sister, Reid with me, Joe King, Tilda Lacey, and Aunt Nancy started with me and she died at Timbered Hill.

Q And you testified in the Martin Hayden case didn't you?

A Yes, sir.

Q You didn't come along when any of the Whitmires came?

A No, sir.

Q They were here? A Yes, sir.

Q Where was this fellow living when you came? A Living with Mess.

Q Did he have a house? A No, sir, well Mess had started to build here himself and went back to move his family.

Q You don't know how long they had been here at that time?

A They hadn't been here a great while when I came.

Q Who did you live with when you first came?

A Lived with my mother.

Q Who did she live with? A With me.

Q Did you have a place at that time? A Made it.

Q Where was that? A Rachel place.

Q Where is that from the Hayden post office now? A Two miles west.

Q Did you make a crop there in '67? A No, sir, didn't make any crop.

Q Where did you make a crop there? A We really never did make a crop there, had a little patch there, that is, until we moved to the other place.

Edward Wright.--9.

EDWARD WRIGHT, the Applicant was called: BY MR. HASTINGS:  
Q Where did you go to school? A Went to school to Kansas and  
here in the Cherokee Nation after I came here.  
Q Did you go to school up there during the war?  
A Yes, sir.  
Q Did you go to school after the war up there? A Yes, sir.  
Q How long? A About three months after I came down here on Big  
Creek.  
Q Was there a school located up there? A Subscripi on school.  
Q Did you go to school in Kansas after the war?  
A Yes, sir.  
Q Before you came down here? A Yes, sir.  
Q How long? A Well, in all my schooling I haven't had but  
three years.

COM'R HENKELS: Edward Wright applies for the enrollment  
of himself. He cannot be identified upon the authenticated  
roll of 1880 or census roll of 1896. He is identified  
upon the Kern-Clifton and Wallace rolls according to the  
page and number of the rolls as indicated in the testimony.  
He avers that he is the child of Katie Whitmire who is the  
wife of Moses Whitmire, and that he was a slave and belonged  
to one Eli Wright, a Cherokee citizen. The name of his  
mother is identified up on the authenticated roll of  
1880. He avers that he has one son named David, whom I  
identified upon the authenticated roll of 1880. He avers  
in his testimony that John Henry Wright a child of his was  
on the roll of 1880, but he is not found. He makes  
satisfactory proof as to his residence. The weight of the  
testimony is that the said Edward Wright is entitled to  
enrollment as a Cherokee Freedman and now because the Cher-  
okee Nation protests against his enrollment, he will be  
listed for enrollment as a Cherokee Freedman upon a doubt-  
ful card. He will be duly notified by mail of the  
decision of the Commission when arrived at.

MR. HASTINGS: The Representatives of the Cherokee Nation  
desire to call attention to the fact that David Whitmire is  
enrolled with the family of Moss and Katie Whitmire, and  
that his mother was a Cherokee Freedman.

---oooOooOoo---

J. G. Rossen, being first duly sworn, states that as stenog-  
rapher to the Commission to the Five Civilized Tribes, he correctly  
recorded the testimony and proceedings in this case, and that the  
foregoing is a true and complete transcript of his stenographic  
notes thereof.

Subscribed and sworn to before me this 10th day of July, 1901.

  
Commissioner.



File with Cherokee Freedmen R.181.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Washoe, D.C., January 13, 1902.

In the matter of the application of Jessie Derrick for the enrollment of herself and seven children as citizens by blood of the Cherokee Nation, and for the enrollment of her husband as a citizen by intermarriage of the Cherokee Nation.

On the 16th day of October, 1900, Jessie Derrick appeared before the Commission and made application for the enrollment of herself and the following children, as Cherokees by blood: Nellie Jane, Jennie, Ada, Katie, Henrietta, Edie, William Henry, and Charley Bartow Derrick, and for the enrollment of her husband, Edward Derrick, as a citizen by intermarriage.

The applicant and her children, with the exception of Charley Bartow Derrick, are duly identified upon the 1896 census roll of Cherokee Freedmen. Her husband, Edward Derrick, is not identified upon any tribal roll now in possession of the Commission.

The application of Jessie Derrick for the enrollment of herself and children as Cherokees by blood was listed for rejection by the examining official for the reason that neither she nor her children had a right to enrollment as Cherokees by blood, never having been recognized as such by the tribal authorities of the Cherokee Nation.

As regards her application for the enrollment of her husband, Edward Derrick, he held that the Commission had no jurisdiction, as the said Edward Derrick could not be identified upon any of the tribal rolls, and only a memorandum was made of his application.

On the 7th day of June, 1901, Jessie Derrick again appeared before the Commission and made application for the enrollment of herself and children as Cherokee Freedmen, and for her husband as a Cherokee Freedman by intermarriage.

From the evidence introduced she was duly identified on the Cherokee roll of 1896 and the census roll of 1896 as a Cherokee Freedman. All of the children, with the exception of Charley Bartow Derrick, were also identified on the census roll of 1896 as Cherokee Freedmen.

The examining official stated that the applicant and her children should be enrolled as Cherokee Freedmen on a regular Freedman card, as they were all duly identified and made satisfactory proof as to residence, and that the testimony introduced on said day, to-wit: June 7, 1901, should be filed and made a part of the record in Cherokee Rejected Case No. 272, the same being that of Jessie Derrick and her children.

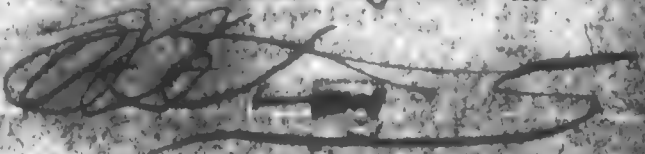
It is therefore directed that said case be cancelled, and that the names of Jessie Derrick and her children be transferred to a regular Freedman card.

No disposition was made as to the application for the enrollment of her husband as an intermarried Freedman and his name appears on Cherokee Memorandum No. 122.

By reason of the fact that the said Edward Derrick claims to be a Freedman by intermarriage, it appears that the Commission has jurisdiction over this case, although it is not shown that the said Derrick was married to the applicant under a license issued by the authorities of the Cherokee Nation, and it is directed that his name

placed upon a rejected Freedman card as a claimant by intermarriage,  
and that Charles Memorandum Case No. 120 be cancelled.

It is directed that copies of this statement be filed with the  
testimony in the above case.



Commissioner.

RECEIVED  
FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
WASHINGTON, D. C.

MAILED  
JAN 13 1901  
U. S. DEPARTMENT OF JUSTICE  
WASHINGTON, D. C.

Department of the Interior,  
Commission to the Five Civilized Tribes.

Muskegee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee freedman, introduced on part of the Cherokee Nation;

The Cherokee Nation by its representatives makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the offices of the Commission in Muskegee, Indian Territory, on the 3rd day of March, 1902, and from day or day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation present by its representative L. B. Bell,

C. V. ROGERS, being duly sworn, testified as follows on part of the Cherokee Nation.

Mr. Bell:

- Q Tell him your name? A C. V. Rogers.  
Q Age? A 63 years old.  
Q Place of residence? A Claremore.  
Q Are you a citizen of this Cherokee Nation? A Yes, sir.  
Q How long have you been such? A All my life, little over 63 years.  
Q Did you go out of the country during the war? A Yes, sir.  
Q When did you return? A '66.  
Q Where did you come to? A Come to Ft. Gibson.  
Q And stayed there did you? A Yes, sir.  
Q Well, what was your business? A After I come back?  
Q Yes? A I followed freighting for something over three years.  
Q Where and between what places? A Sedalia and Pleasant Hill, and Kansas City to Fort Gibson.  
Q Were you ever acquainted with a freedman by the name of Moses Whitmire? A Yes, I know him.  
Q Where did he belong before the war? A He belonged in Goingsnake district.  
Q Did you know what particular Whitmire he belonged?  
A I dont remember whether he belonged to George Whitmire or Lee whitmire.  
Q If you did see him, when did you first see Moses Whitmire after the war, after your return to the Cherokee Nation?  
A As well as I remember it was in February '68; I met them just on this side of the Neosho river, as they was moving back to this country from Kansas. There was between 25, from 24 to 28 wagons and I met them right on this side of the Neosho river; Dick Whitmire, Moses Whitmire and Aron Whitmire and old Major Wright is all I knew in the outfit.  
Q Did you have any conversation with them, stop and talk with them?  
A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.  
Q Did you ask them where they was going to? A They said they was moving back.  
Q Well this 25 or more wagons was loaded with people?  
A Yes, mostly every one had household goods in them.  
Q Colony of Cherokee freedman? A Yes, coming back to the Cherokee Nation.



Q Well now that was; where you say it was? A It was right on this side of the Neesho river; between the old Hudson place and Neesho river.

Q How far from the Neesho river? A I suppose half a mile.

Q How far from the North line of the Cherokee Nation?

A I think the river is the line, about a half mile.

Q And how far is that from the Kansas line? A The Neesho river is the line, way I understand it.

Q You had reference to where the Military road crosses the Neesho river? A Yes, sir:

Q At Mack McLains ferry? A They called it Hudson ferry at that time.

Q Hudson lived there? A Yes, sir, in about a half mile.

Q And this Moses Whitmire you met and talked with is the same one you knew in Goingsnake and belonged to the Whitmire family there?

A Yes, sir.

Q About how old a man was he when you met him? A He is an elder man I think than I am.

Q And you saw others with him you knew? A I think Aaron Whitmire and Moses Whitmire and old Major Wright is the old ones I knew.

Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.

Q Do you know where this man Whitmire lives now, Moses Whitmire you met? A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know thought where he does live, I have saw him ever since I have been here. I don't think I ever was at his house.

9--0000000000--

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes there.

(Signed) J. O. Rosson.  
Stenographer.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Wash., D.C., May 20, 1902.

In the matter of the application of Edward Wright for the  
recognition of himself as a Cherokee freedman.

ATTORNEYS:

Wm. J. Seville, representing E. D. Gerson, for applicant,  
V. F. Malaga for Cherokee Nation.

**COMMISSIONER:** The Cherokee Nation, by its representative, makes  
satisfactory proof of service on the applicant's attorney that it  
was, on the 20th day of May, 1902, informed by the applicant's  
attorney of the fact of the application for citizenship of the  
Cherokee freedman. The applicant, on the 20th day of May, 1902,  
E. D. Gerson, who is represented by Wm. J. Seville, No. 10, Indian  
Territory.

**MR. SEVILLE:** The Cherokee Nation offers in evidence a decision  
of the Cherokee Commission on citizenship as found on page 25 of  
a book taken from the records of the Executive Department of the  
Cherokee Nation, entitled "Book" of the Cherokee Com. on citizenship,  
as follows:

No. 25. Edward Wright

vs  
Cherokee Nation.

(Mr. Wright of Gerson,  
Answer filed.)

Judgment against applicant June 27, 1870.

The Cherokee Nation also offers in evidence from the same  
record as above, page 27 of the same, the following:

No. 26. Major Wright

vs  
Cherokee Nation.

(Mr. Gerson's statement  
filed on 20th of June,  
1st July set, 1st Aug.  
set for trial.)

Judgment against applicant June 27, 1870.

The Cherokee Nation offers in evidence the application made  
for citizenship to the Cherokee Nation by Lewis Whitire on the 20th  
day of June, 1870, as found on pages 104 and 5 of book 3, entitled  
"Citizenship cases 1870," as follows:

Before the Commission sitting at Tallahassee to try claims to Cherokee  
citizenship.

The undersigned applicant is the case of  
Lewis Whitire

vs  
Cherokee Nation

and presents the following statement of his claim according  
to the records of the Commission.

Whitire is a white man, a citizen of the State of Georgia, and  
has been in the Cherokee Nation, since 1860, as a freedman, and  
has been married by a white man and resident of the same since  
1860, and has been a resident of the same since 1860, and has  
been a resident of the same since 1860, and has been a resident of the same since 1860.

Whitire is a Cherokee citizen, and has been a resident of the same since 1860, and has been a resident of the same since 1860, and has been a resident of the same since 1860.





first came down there was about 15 in the party. They took their families in Kansas when they came down here. There was some of party came with the Whites who piloted the Whites party and my name was Sam Webber, Sam Daniels, Sam Webber, Jr., Aaron Robbins, and others. Tuck and others were Aaron, Lewis, Moss, Dennis and others. Whites were but I do not recollect. The object of the party coming was for the purpose of erecting houses. When I moved with my family I stopped on Pryors Creek at Mrs. Liberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and here of subsistence. As I was coming down the first time we were overtaken by the Cherokee delegation. There were some who came here were authorized by others to locate claims for them, and was by Wiley requesting the field to locate for him. The original request failed.

Green Mountain. I cannot remember the date I came here the first time from Kansas. The claim I made we got three sets of house logs, hauled them and piled them up, some of the men set up a house. I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Brushy Mountain on this side Lake River. When the Whites returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whites party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me who could read.

I did not know myself that it was the month of Aug. when I came here first, but I was told it was that time.

It was the December following the time I first came here that the Whites came down first to select and improve claims.

Black & Fields  
his m.

Aaron Whitmore

vs  
Cherokee Nation,  
called and sworn.

August 2, 1878

Bluford Liberty, witness for claimant.

I reside in Coover's Cove District, O. T. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River Coover's Cove District, on the 1st of Sept. 1862. I had occasion some time in the last of October or the first of Nov. or probably it might have been at the middle of November, to go out to the Verdigris. I went out to the salt creek on the Verdigris. While out there I fell in with a party of seven or eight persons who were camped with others near Sam Couches. I did not go to the camp. They were colored people. I knew most all of them. Their names were also Sam Webber, Aaron Whitmore and a younger brother and Lewis Whitmore. There was another person whose name I was told was a Legitim. I do not recollect any of the others and cannot identify them. The Whites were John and George Whitmore, Aaron, Lewis and the mother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim Belcher had got home. I told him I had not seen the treaty but had heard others about it. He told me that they had come to pick themselves homes on the claim.

and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chance there was to get provisions over on the river. I told him there was none there, but that there was a lot of condemned flour at Gibson and if they would go there they might get some. He also represented that they had come down to make claims for others, who had remained in Kansas, to build them houses etc. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was sometime in October or November that I saw these parties. It was not very cold weather at the time. I recollect as I camped out at night. I did not see any of the parties after this time May 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this this some of them went back to Kansas. At the time I meet them I do not know whether their families were with them. I did not suppose their families were with them. I think I seen Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know their was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. W. Alberty.

Aaron Whitmire

vs

Cherokee Nation.

I know Melissa Ratliff. She was twelve or thirteen years old at the close of the war. She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Ransom Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at McClane's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my step-father. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Meigs, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire is all I recollect now. Witness and my brothers were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Sam, Nelson and Allen were Aaron's children and his wife Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Mike Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1867 to Kansas after coming to the Nation. When witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Meigs and the families of those who had families all came as I did besides others not particularly

remembered. This was the first time any of our families had been to the Nation at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our party returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Mallissa Ratcliff was owned by one Alec Ratcliff at breaking out of war. She first came in March 1867 to the Nation along with me when I moved. Jack Landrum was along in 1868. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re direct.

Marlah's family at close of the war was a separate family. Harry Whitmire, her son, represented his mother on the first trip in 1868. Witness is about 58 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1868.

Attest

D. L. Nicholson,

Clerk.

his  
Moses Whitmire  
mark

Aaron Whitmire & family  
vs  
Cherokee Nation.

Case 63.

claiming citizenship.

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of the grounds for his said claim to wit -

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims referred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the Rebellion and was then living in this Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided untill the Summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Verdigris River for himself and family's permanent residence.

While he was thus making preparations for the removal of his family by providing for their habitation and subsistence at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Verdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he moved his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistent with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,

Aaron Whitmire,  
by Atty Wm. F. Boudinot.

Aaron Whitmire  
vs

August 1st, 1878.



Cherokee Nation.

Wm. Martin witness for claimant called and sworn.

I live on Big Creek, Cooweescoowas C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the Ferry on the Neosho River on the old Military road leading from Fort Scott Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron untill I meet him at the river. Lewis I knew prior to that time. While I was in charge of the Ferry I recollect having meet claimant and Mose, Lewis, Dennis and Nelson, Whitmire, Peter Meigs, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but I do not recollect anything about them. They were traveling. They stated they were coming from Fort Scott Kans, they were travelling from the direction of Fort Scott. I crossed them from the Shawnee side of the river into the Cherokee Nation, they inquired the road to Big Creek. Mose gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principle one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I meet claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with claimant nor any of the others named previous to the war.

I do not know who owned before the war. I do not know whether they had lived in the Nation previous to war. I do not recollect of seeing any of the families of the parties named at the time, I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were more who crossed back but I cannot place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was with Little Sam Webber though I would not be right positive that there was a woman along or not. I am positive there was no children as I never seen any. They had camped there long enough that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time. I set them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistence at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire  
vs  
Cherokee Nation.

July 4<sup>th</sup> 1876.

Wm. McCracken for claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in Novr.

claimant said he was on his way to Going Snake his former home in the Nation and seven of claimants Brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest:

Wm. McCracken.

D. L. Nicholson, Clerk.

Aaron Whitmire,

vs

Cherokee Nation.

Bluford Alberty

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimants present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the Country.

This was thought best for the colored man as they could have their own schools &c untill matters were more regulated in the Country.

The first conversation was in the fall 1866. The second conversation was in the Spring of 1867. (I saw several of their families in May 1867 on Big Creek or Lightning Creek in the Nation.) The home of Claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave Claimant and other colored men permission to occupy two old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire is the name of the other man. I also permitted to go on the old field. The Spring of 1867 I saw Aaron & Louis Whitmire at work on the two fields spoken of. This settlement of colored folks has the character of quiet industrious and law abiding citizens or much as any in the Nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the fall of 1866 saw this colored party who settled on Big Creek afterwards in the neighborhood for the purpose as they said at the time of selecting their homes. Several claims was then in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.

Agent Jones was at the time advising said Col party. A Delegation for the Cherokee Nation at Washington. There were parties as witness learned from one of them who wished to expel or drive off from their claims this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is herding Wild Cattle. I travelled a good deal in that neighborhood at that time spoken of.

"Continued on page 263."

Aaron Whitmire et als ) July 16<sup>th</sup> 1878.  
vs )  
Cherokee Nation. ) John Riley,

sworn as witness for Deft. I live in Cooweescoowee Dist. I first moved there in 1852 and have continued to reside there except in time of the war. I came back in the month of August 1866 to the Nation. I knew Aaron Whitmire. He returned or came to the Verdigris River to live in the month of March 1867. Also came at the same time Peter Meigs, Mike Sanders, Sam Webber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Landrum. He had settled no other place before that.

Cross examined.

I don't know of any colored heads of families coming in to the Nation in the month of Decr. 1866 to locate homes but I know of some who come in Sept. '66 for that purpose. I know where Aaron Whitmire lived at this time. I was near Geedy's Bluff in Decr. '66. I live on the west side of the River. Claimant lives and settled on east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of Blueford Alberty being in that part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmire was not along but Mike Sanders, Sam Webber, Colbert & perhaps Billy Foreman. Moses was not along. Dennis was not along as I know of nor Mariah nor Major Wright nor Nelson Whitmire that I know of. If any such party had come down in Decr. 1866 I think certainly I would have known it.

John Riley.

Randolph Riley.

(Page 283)

About the middle of May 1867 I first saw this party with their families at their new homes. Claimant and others of this colored party told witness they returned in March 1867 to the Nation.

Re Direct

I learned from John Coker that most of the colored party returned to Kansas after their families and a few remained. I was at General Convention of the Cherokee People in 1866. It was witness' understanding the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ~~ratify~~ ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 is my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. W. Alberty.

Attest

D. L. Nicholson,  
Clerk.

Aaron Whitmire )  
vs. ) Tahlequah May 16, 1878.  
Cherokee Nation. )

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,  
Atty for Cherokee Nation.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*Arthur G. Croninger*

Subscribed and sworn to before me this 2nd day of June, 1902.

*(J. H. Rutter)*  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Cherokee Land Office,  
Tahlequah, I.T. June 6, 1904.

In the matter of the application for the enrollment as  
a citizen of the Cherokee Nation of Edward Derrick.

SUPPLEMENTAL TESTIMONY.

Edward Derrick, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Edward Derrick.  
Q How old are you? A Fifty-four years old.  
Q What is your post office address? A Hayden.  
Q Do you claim to be a Cherokee citizen? A Yes sir.  
Q Have you made application to be enrolled by this Commission?  
A Yes sir.  
Q Under what name did you apply to be enrolled? A Edward Wright.  
Q How did you happen to give your name as Wright? A Well the  
man I lived with before the war was Edward Wright.  
Q When they asked you what your name was, instead of giving  
your correct name, you gave the name you had before the war,  
is that the idea? A Yes sir.  
Q Your correct name at this time is Edward Derrick? A Yes sir.  
Q Your name was Edward Derrick when you applied to be enrolled?  
A Yes sir.  
Q And you told them it was Edward Wright instead of Edward Derrick?  
is that correct? A Yes sir.

Mary B. Risser, being duly sworn, states that, as stenographer to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case and that the foregoing is a true and complete transcript of her stenographic notes therein.

*Mary B. Risser*

Subscribed and sworn to before me this 6th day of June, 1904.

*J. P. Risser*  
Notary Public.



COPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al., for  
enrollment as Cherokee Freedmen, consolidating the applications of

Joe Ross,.....	Cherokee Freedmen D-380
Chilera Grayson, et al.,.....	Cherokee Freedmen D-496
Aaron Webber,.....	Cherokee Freedmen D-516
Elizabeth Meigs,.....	Cherokee Freedmen D-591
George Meigs, Sr., et al.,.....	Cherokee Freedmen D-324
John Meigs,.....	Cherokee Freedmen D-396
Flemings Meigs,.....	Cherokee Freedmen D-399
Irene Hanks, et al.,.....	Cherokee Freedmen D-401
Hattie Carroll, et al.,.....	Cherokee Freedmen D-402
Andrew Alberty, et al.,.....	Cherokee Freedmen D-404
Harriett Webber, et al.,.....	Cherokee Freedmen D-407
Moses Webber,.....	Cherokee Freedmen D-408
Wesley Webber,.....	Cherokee Freedmen D-409
Edward H. Webber,.....	Cherokee Freedmen D-410
Samuel Beck, et al.,.....	Cherokee Freedmen D-778
Edward Wright,.....	Cherokee Freedmen D-818
John Wright,.....	Cherokee Freedmen D-834.

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Joe Ross, for himself; by Joe Ross, for his sister, Chilera Grayson, and her minor child, Gertrude; by Aaron Webber, for himself; by Elizabeth Meigs, for herself; by George Meigs, Sr., for himself, his wife, Matilda Meigs, and minor son, George Meigs, Jr. (Matilda Meigs is differently classified and is not embraced in this decision); by John Meigs, for himself; by Flemings Meigs, for himself; by Irene Hanks, for herself and minor child, George Hanks; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Flemen Hanks; by Hattie Carroll, for herself, her sister, Katie Meigs, and brothers, Nathan and Henry S. Meigs; by Elizabeth Alberty, for herself, her husband, Andrew Alberty, and minor children, Mattie, Charity, Nellie, Ben and Polly Alberty; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ed Alberty; by Harriett Webber, for herself and minor child, Willie H., and her ward, Hattie Webber; by Moses Webber, for himself; by Wesley Webber for himself; by Edward H. Webber, for himself; by Samuel Beck, for himself, his wife, Mary Beck, and minor child, Luquittie; by Edward Wright, for himself, and by John Wright, for himself.

The evidence shows that Joe Ross, one Peter Meigs, now deceased, husband of Elizabeth Meigs, Moses Webber, Sr., father of Aaron Webber, George Meigs, Sr., Chelera Grayson, Samuel Beck and Andrew Alberty, were slaves of Cherokee citizens at the commencement of the War of the Rebellion, and that during said War they left the Cherokee Nation.

Said Joe Ross, Peter Meigs and Moses Webber, Sr., returned to the Cherokee Nation in the fall of 1866, and located a claim on the public domain of the Cherokee Nation; they then went back to Kansas for their wives and families, and returned with them to said Nation in February or March, 1867.

Elizabeth Alberty, wife of Andrew Alberty, Mary Beck, wife of Samuel Beck, and Harriett Webber, are children of said Elizabeth and Peter Meigs, and, with the exception of the said Elizabeth Alberty, who has been born since 1866, were minors at the time of their parents' return to the Cherokee Nation. The said Elizabeth Alberty desires to be enrolled as Lizzie Alberty. Moses Webber, Wesley Webber and Edward W. Webber are children of said Harriett Webber, and have all been born since 1866.

George Meigs, Sr., returned with his father and mother to the Cherokee Nation in February or March, 1867, and was of age at that time.

John Meigs, Flemings Meigs and Irene Hanks have been born since 1866, and are children of, and claim right to enrollment through, the said George Meigs, Sr. The names of the said George Meigs, Sr., John Meigs, Flemings Meigs and Irene Hanks, are not found on the 1880 authenticated roll of the Cherokee Nation.

Chelera Grayson returned to the Cherokee Nation with her brother, Joe Ross, in February or March, 1867. She was then married and not a member of the family of Joe Ross, at the time of his return to the Cherokee Nation. Her name is not found on the 1880 authenticated roll of the Cherokee Nation. Her minor child, Gertrude, takes only such rights as are possessed by her mother.

Samuel Beck did not return to and establish his residence in the Cherokee Nation until after January 19, 1867. His name is not found on the 1880 authenticated roll of the Cherokee Nation.

Andrew Alberty returned to the Cherokee Nation and established a residence therein in 1866.

Hattie Carroll, Katie Meigs, Nathan Meigs and Henry T. Meigs have been born since 1866, and are the children of one Simon Meigs, and claim their right to enrollment through him. The evidence does not show that the said Simon Meigs was the slave of a Cherokee citizen, or free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion, who was residing therein on July 19, 1866, or within six months thereafter. The names of the said Simon Meigs, Hattie Carroll, and Nathan and Henry T. Meigs, are not found on the 1880 authenticated roll of the Cherokee Nation.

Aaron Webber has been born since 1866, and is the son of Moses Webber, Sr., who is identified on the 1880 authenticated roll of the Cherokee Nation as adopted colored. It is presumed from this enrollment that the Cherokee Nation recognized that Moses Webber, Sr., complied with the terms of the treaty of 1866. Edward Wright is the step-son of said Moses Webber, Sr., and was a minor and a member of the family of said Moses Webber, Sr., when he returned with them to the Cherokee Nation in February or March, 1867. John Wright is the son of Edward Wright, and takes the status of his father.

Hattie Webber, included in the application of said Harriett Webber, is the daughter of Jesse and Missie Roe. The evidence does not show that the said Jesse or Missie Roe, or any of their ancestors, were ever slaves of Cherokee citizens, or free colored persons residing in the Cherokee Nation at the beginning of the War of the Rebellion. The names of said Harriett Webber, Jesse Roe and Missie Roe are not found on the 1880 authenticated roll of the Cherokee Nation.

The evidence further shows that Joe Ross, Elizabeth Meigs, Andrew Alberty, Mary Beck, Harriett Webber and Edward Wright have resided in the Cherokee Nation continuously since their return thereto, as above mentioned; that all the applicants herein, born since 1866, have resided in the Cherokee Nation continuously since birth.

It is, therefore, the opinion of this Commission, that Aaron Webber, having been born since 1866, should be enrolled as a Cherokee Freedman, and that Joe Ross, Elizabeth Meigs, Andrew Alberty, Lizzie Alberty, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dolly Alberty, Ned Alberty, Harriett Webber, Millie M. Webber, Moses Webber, Wesley Webber, Edward N. Webber, Mary Beck, Luquittie Beck, Edward Wright and John Wright should also be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495); it is further the opinion of this Commission that the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Hattie Carell, Katie Meigs, Nathan Meigs, Henry T. Meigs, Irene Hanks, George Hanks, Flemon Hanks, Chlora Grayson, Gertrude Grayson, Hattie Webber and Samuel Beck, should be denied, under the provisions of said Section twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskegee, Indian Territory,

this JUL 10 1903

C. W. McR.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al.,  
for enrollment as Cherokee Freedmen, consolidating the applica-  
tions of ---

Joe Ross,	Cherokee Freedmen D-380,
Chlora Grayson, et al.,	Cherokee Freedmen D-496,
Aaren Webber	Cherokee Freedmen D-816,
Elizabeth Meigs	Cherokee Freedmen D-391,
George Meigs, Sr., et al.,	Cherokee Freedmen D-394,
John Meigs,	Cherokee Freedmen D-396,
Flemings Meigs,	Cherokee Freedmen D-398,
Irene Hanks, et al.,	Cherokee Freedmen D-401,
Hattie Carell, et al.,	Cherokee Freedmen D-402,
Andrew Alberty, et al.,	Cherokee Freedmen D-404,
Harriet Webber et al.,	Cherokee Freedmen D-407,
Moses Webber,	Cherokee Freedmen D-408,
Wesley Webber,	Cherokee Freedmen D-409,
Edward H. Webber	Cherokee Freedmen D-410,
Samuel Beak, et al.,	Cherokee Freedmen D-778,
Edward Derrick	Cherokee Freedmen D-818,
John Wright,	Cherokee Freedmen D-834.

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Joe Ross for himself; by Joe Ross for his sister, Chlora Grayson and her minor grandchild, Gertrude Grayson; by Aaren Webber for himself; by Elizabeth Meigs for herself; by George Meigs, Sr., for himself, his wife Matilda Meigs, and his minor son, George Meigs, Jr., (the said Matilda Meigs, being differently classified, is not embraced in this decision); by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor son, George Hanks; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Flemen Hanks; by Hattie Carell for herself, her sister, Katie Meigs, and her brothers, Nathan and Henry T. Meigs; by Elizabeth Alberty for herself, her husband Andrew Alberty, and her minor children, Hattie, Charity, Nellie, Ben and Dollie Alberty; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriet Webber for herself and minor child, Millie H. Webber, and minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward W.

Webber for himself; by Samuel Beck for himself, his wife Mary, and his minor child, Luquittie Beck; by Edward Wright for himself; and by John Wright for himself.

On July 10, 1903, the Commission rendered its decision in this consolidated case, which was forwarded to the Department for its consideration, and on August 31, 1903, the Commission requested that the record relative to the application of Chlera Grayson et al., party applicants in this consolidated case, be returned for reconsideration, and on Oct. 3, 1903, the Department complied with said request of the Commission and returned said record and decision. On June 17, 1904, further proceedings were had in the matter of the application for the enrollment of Chlera Grayson, et al.

The record herein shows that on April 1, 1902, the Commission received a letter from the applicant in Cherokee Freedmen D-404, heretofore listed for enrollment as Elizabeth Alberty, wherein she states that she desires to be enrolled as Lizzie Alberty, and she will accordingly be considered in this decision under the last mentioned name. On June 6, 1904, the applicant in Cherokee Freedmen D 818, appeared before the Commission at Tahlequah, Indian Territory, and testified that his correct name was Edward Derrick, under which name he will be considered in this decision.

The evidence shows that Joe Ross, Chlera Grayson, Aaron Webber, Elizabeth Weigs, Peter Weigs, now deceased, husband of Elizabeth Weigs, Sam Webber, Sr., George Weigs, Sr., Andrew Alberty, Samuel Beck and Edward Wright, were slaves of Cherokee citizens at the commencement of the rebellion, and that during said rebellion they left the Cherokee Nation; the said Joe Ross, Peter Weigs and Sam Webber, Sr. returned to the Cherokee Nation in the summer or fall of 1866 and located some claims upon the public domain of the Cherokee Nation; they then returned to the State of Kansas for their families, and removed with them to the Cherokee Nation during the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck, wife of Samuel Beck, are daughters of Peter and Elizabeth Weigs, and were born in the Cherokee Nation prior to their parents removal to the State of Kansas, and returned to the Cherokee Nation with them; George Weigs, Sr., another child of Peter and Elizabeth Weigs returned to the Cherokee Nation with his parents at the time above mentioned. Millie M. Webber, Moses Webber, Wesley Webber and Edward M. Webber are the minor children of Harriet Webber, and possess no rights to enrollment except through their said mother, their father, Ellis Webber, not having returned to the Cherokee Nation within the time necessary to acquire rights as a Cherokee Freedman. Hattie Webber, included in the application of Harriet Webber, et al., is a daughter of Wesley Webber, Cherokee Freedmen D-407, and one Missy Rowe; it appears that the said Missy Rowe was born since 1866, and is the daughter of one Jesse Rowe, whose application for enrollment as a Cherokee Freedman was denied by this Commission, and which decision was approved by the Department on May 28, 1904. George Weigs, Jr. John Weigs, Flemings Weigs and Irene Hanks, are the children of George Weigs, Sr., and possess no rights to enrollment except through their said father, their mother, Lucinda Weigs, nee Towers, not being shown to possess any rights as a Cherokee Freedman; George Hanks and Flenon Hanks are the minor children of Irene Hanks, and possess no rights to enrollment as Cherokee Freedmen except through their said mother.



Hattie Carell, Katie Meigs, Nathan Meigs and Henry T. Meigs, have been born since 1866, and are the children of Simon Meigs and Fannie Meigs; the said Simon Meigs is the son of Peter and Elizabeth Meigs and returned to the Cherokee Nation with his parents the latter part of February or first of March, 1867; their mother, Fannie Meigs is not shown to possess any rights as a Cherokee Freedman, and in the absence of such showing it will be presumed that she possesses no such rights.

Andrew Alberty returned to the Cherokee Nation with his step-father, Peter Hudson, and the Commission have heretofore found, in the case of Peter Hudson, Cherokee Freedmen D-604, that the said Peter Hudson returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation, and his enrollment was approved by the Secretary of the Interior, April 29, 1904; his wife, Lizzie Alberty, is the daughter of Peter and Elizabeth Meigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, are their minor children, born since 1866.

Samuel Beck returned to the Cherokee Nation and established a residence therein within the time specified in the decree of the Court of Claims above referred to, and has since continuously resided in said Nation. The minor applicant, Luquittie Beck, is the child of said Samuel Beck, and has continuously resided with her father since birth.

Chlora Grayson returned to the Cherokee Nation at the time the Webbers returned with their families, which was too late to acquire any rights, under Article nine of the Cherokee treaty of 1866; her minor grandchild, Gertrude Grayson, for whom she makes application, is the daughter of Armstead Foster, who is identified on the 1880 authenticated Cherokee tribal roll.

Edward Derrick returned to the Cherokee Nation with his mother, Katie Whitmire, and his step-father, Moss Whitmire, at the time the Whitmires and Webbers brought their families to the Cherokee Nation, which, from the evidence, is shown to have been the latter part of February or the first of March, 1867; John Wright is a son of Edward Derrick, born since 1866, and takes the status of his said father.

Aaron Webber returned to the Cherokee Nation with his brother, Sam Webber, in the summer of 1866.

It appears that Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and that the applicants, Gertrude Grayson, Lizzie Alberty, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, have resided continuously in the Cherokee Nation since birth. None of the other applicants herein nor any of their ancestors through whom they claim, can be identified upon the 1880 authenticated Cherokee tribal roll.

It is, therefore, the opinion of this Commission that Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie

Liberty, Mattie Liberty, Garity Liberty, Willie Liberty, Sam Liberty, Dollie Liberty, Ned Liberty, Samuel Beck and Inquittie Beck, should be enrolled as Cherokee Freedmen; and that the applications for the enrollment of Silena Grayson, Elizabeth Neigs, George Neigs, Sr., George Neigs, Jr., John Neigs, Florence Neigs, Irene Neigs, George Neigs, Fannie Neigs, Mattie Carroll, Katie Neigs, Susan Neigs, Henry T. Neigs, Harriet Webber, Willie M. Webber, Mattie Webber, Moses Webber, Venley Webber, Edward H. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 25, 1906 (34 Stat., 498), and it is so ordered.

CONTINUED TO THE FIVE SEVENING THREE.

(Signed) Tom B. Bly  
Chairman.

(Signed) T. B. Tucker  
Commissioner.

(Signed) G. B. Frazier  
Commissioner.

Dated at Muskogee, Indian Territory,

this 27 day of April 1908

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Edward Derrick for enrollment  
as a Cherokee Freedman. Cherokee Freedman Doubtful No. 818.  
+++++

MOTION TO RE-VIEW.

Comes now the applicant herein and through his Attorneys, Roy T. Osborn  
of Coffeyville, Kansas and W.J. Sullivan of Muskogee, Indian Territory, states  
that he is entitled to enrollment, and that; ~~the Commissioner erred~~

The Commissioner erred, in deciding Edward Derrick is not entitled  
to enrollment as a Cherokee Freedman.

The Commissioner erred, in deciding, Edward Derrick did not return within  
the time specified in the Whitmire Decree.

The Commissioner erred, in deciding, the virginal settlement of the  
parent or ancestor did not establish the  
domicil of the minor.

WHEREAS, we pray that an opportunity be afforded, insofar that rights may  
be determined and adjudication be had, not for the purpose of delay but  
that justice may be done.

Respectfully submitted,

Roy T. Osborn  
W.J. Sullivan

Attorneys for Applicant

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Edward Wright,  
Hayden, I. T.  
Cherokee-F-D-318.  
Register.

TAMS BIXBY,  
T. B. NEEDLES,  
C. R. BRECKINRIDGE,  
Commissioners.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

McKeesport, Ind. Ter. May 30th 1902.

In the matter of the application of Edward Wright for enrollment as a Cherokee Freedman.

J. C. Starr, of legal age being duly sworn on oath says that he registered to E. B. Lawson, Attorney for Edward Wright, a notice, a true copy of which is attached to this affidavit to his post office address at Evansville, I. T. and that on the 30th day of May 1902 he received the return card which is hereto attached, signed by the said ~~McKeesport, Ind.~~ E. B. Lawson, showing that he had received said notice.

Subscribed and sworn to before me this 30th day of May 1902

Seal

Notary Public.



## NOTICE.

In the Matter of the application of **Ed Wright,**  
for enrollment as Cherokee citizens:

To **Ed Wright or E. B. Lawson** his attorney:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony ~~on behalf of the~~ Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on **May 20,** A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this **May 17, 1902.**

No. **F. D. 918**

*L. B. Bell*  
*M. W. Hargrave*  
*Jas. Davenport*  
Attorneys for the Cherokee Nation.

F. D. ....

**INDIAN TERRITORY,  
CHEROKEE NATION.**

I hereby certify that I served the with-  
in notice on .....

by delivering a true copy thereof on the  
..... day of ..... A. D. 190.....

Given under my hand this .....  
day of ..... A. D. 190.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the  
..... day of ..... 190.....

Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } S. S.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to .....

on the 26 day of Feb. A. D. 1902

Subscribed and sworn to before me  
this March 4 1902

Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
MAR 6 1902

## NOTICE!

IN THE MATTER OF the application of Edward Wright.  
for enrollment as Cherokee Freedmen:  
Case No. F. D. 313.

To Edward Wright or E. B. Larson his attorney:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 5th, 1902., at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb. 26, 1902.

*L B Bell*

*W. W. Hastings*  
*Jess Davenport*  
Attorneys for the Cherokee Nation.

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on .....

by delivering a true copy thereof on the  
..... day of ..... A. D. 190.....

Given under my hand this.....  
day of ..... A. D. 190.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the

24<sup>th</sup> day of Sept, 1901.

E. B. Lawrence  
Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } S. S.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to .....

on the ..... day of ..... A. D. 190.....

Subscribed and sworn to before me  
this .....

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
SEP 27 1901

ACTING CHAIRMAN

## NOTICE!

IN THE MATTER OF the application of Edward Wright  
for enrollment as Cherokee citizens:

Case No. D 818

To Edward Wright or E. B. Lawson his Atty.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 21st 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 23 1901

L B Bell  
W. W. Hastings  
Attorneys for the Cherokee Nation.





70818

RECEIVED U. S. DEPARTMENT OF THE INTERIOR

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
JUN 23 1901

*[Signature]*

ACTING CHAIRMAN

*[Faint handwritten notes and stamps on the left margin]*

*[Faint handwritten notes on the right margin]*

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 22 1901  
 Post Office Hayden, S.F.  
 District Gov

1. Name Edward Wright Age 8-2  
 Owner's name Eli Wright Citizenship Cherokee  
 Year 186 Page 122 No. 3191 District Gov

Parents:

Father \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Mother Katie Whitman Citizenship \_\_\_\_\_

2. Name of wife \_\_\_\_\_ Age \_\_\_\_\_  
 Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:

Father David Paul Citizenship \_\_\_\_\_  
 Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

Names of Children:

No.	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by Ms. 1 Stenographer J. D. Pearson

On Wallace roll, Page 48 3091 - Gov

Represented by E. B. Shawson, Nowata, S.F.

B / ~~Handwritten~~ R191  
COMM FROM ...

OCT 16 30

~~Handwritten~~  
ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

## CHEROKEES BY BLOOD AND ADOPTION.

Name Edward Harriek Hayden, Sr. Date OCT 16 1900 1900.  
 District \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

Citizen by blood Friedman Mother's citizenship \_\_\_\_\_

Intermarried citizen Yes

Married under what law \_\_\_\_\_

Date of marriage \_\_\_\_\_

License \_\_\_\_\_

Certificate \_\_\_\_\_

Wife's name \_\_\_\_\_

District \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Citizen by blood \_\_\_\_\_

Mother's citizenship \_\_\_\_\_

Intermarried citizen \_\_\_\_\_

Married under what law \_\_\_\_\_

Date of marriage \_\_\_\_\_

License \_\_\_\_\_

Certificate \_\_\_\_\_

Names of Children:

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

No. \_\_\_\_\_

Age \_\_\_\_\_

Dist. \_\_\_\_\_

Year \_\_\_\_\_

Page \_\_\_\_\_

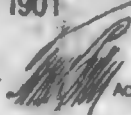
No. \_\_\_\_\_

Age \_\_\_\_\_

D. 32616

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
OCT 21 1901



ACTING CHAIRMAN



COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRICKNIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. L. B. Oct 21 1901

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
Edward Wright for enrollment as  
Freedmen of the Cherokee Nation.

E. B. Harrison

No.

70818.

Cherokee Freedmen  
D-350, 4a.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Joe Ross, et al., granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Meigs, Andrew, Lizzie, Mattie, Charity, Nellie, Ben, Dollie and Ned Alberty, Harriett, Millie M., Moses, Wesley and Edward E. Webber, Mary and Luquittie Beck, Edward Wright and John Wright, and rejecting the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John and Flemings Meigs, Mattie Carrell, Katie, Nathan and Henry T. Meigs, Irene, George and Flemen Hanks, Chlera and Gertrude Grayson, Mattie Webber and Samuel Beck, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Neel.

Enc. H-22.

Commissioner in Charge.

COPY.  
Cherokee Freedman  
D-818

Muskogee, Indian Territory, August 18, 1903.

Edward Wright,

Hayden, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated July 10, 1903, granting, among others, your said application. There has heretofore been furnished your attorney, E. E. Lawson, Nowata, Indian Territory, a copy of the proceedings had in the original application and there has this day been forwarded to him a copy of supplemental proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary

-2-

will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles.*  
Commissioner in Charge.

Enc. D-94

Register.

COPY

Cherokee Freedman  
D-818

Muskogee, Indian Territory, August 15, 1903.

H. B. Lawson,  
Attorney for Edward Wright,  
Nowata, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplemental proceedings had in the matter of the application of Edward Wright for his enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated July 10, 1903, granting, among others, his said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary

will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles.*

Commissioner in Charge

Enc. D-96

Register.



COPY.

Charles French  
2-240 et al.

Washington, Indian Territory, August 27, 1904

The Honorable

The Secretary of the Interior

SIR:

There is herewith transmitted the record of proceedings had in the consolidated case of Joe Ross et al., including the Commission's decision dated July 12, 1904, granting the applications for the enrollment of Aaron Baker, Joe Ross, Elizabeth Baker, Andrew, Lillian, Fannie, Charity, Willie, Ben, Kelly and Ned Alberry, Harriet and Willie M. Weaver, Emma, Vessie and Edward E. Baker, Mary and Elizabeth Baker and Edward and John Wright, and rejecting the applications for the enrollment of George Baker, Sr., George Baker, Jr., John and Florence Baker, Fannie Carroll, Fannie, Nathan and Henry T. Baker, Irwin, George and Elmer Baker, Oliver and Catherine Brown, Fannie Baker and Samuel Cook, et al. Charles French et al.

You are advised that the Cherokee Indian protests against the action of the Commission in these matters, a copy of which protest is enclosed.

At the request of the attorney for the United States are also enclosed two copies of his general brief for the Cherokee French

-2-

men enrollment, which he desires to have considered in connection with these cases.

Respectfully,

*T. B. Needles*  
Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

Enc. D-113

Land  
83568-1903  
86889-1903.  
61808-1903.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

A.C.T.

Washington, Oct. 3, 1903.

To the Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

In accordance with the request contained in your report of August 21, 1903, the record relative to the application of Clara Grayson, et al., parties applicants to the Joe Hess, et al., case, for enrollment as citizens of the Cherokee Nation, is returned. There is also enclosed the affidavit of Samuel Beck, a party to the case, which was filed in this office by Chester News, Esq., of this city, who requested that action be suspended on the case for a reasonable time in order that Samuel Beck might secure further and additional proof in relation to his right to enrollment. Mr. News has been advised of this action.

Very respectfully,

(Signed) W. A. Jones,  
Commissioner,  
A.C.T.

G.A.W.-L.C.

COPY.

Cherokee Freedmen,  
D-518.

Muskogee, Indian Territory, October 17, 1904.

E. B. Lawson,

Attorney for Edward Derriok,  
Nowata, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of October 2, asking to be advised as to the status of the application for the enrollment of Edward Derriok as a Cherokee freedman.

In reply, you are advised that the Commission has not yet rendered a decision in this case. You are further advised that this matter will be taken up in the near future.

Respectfully,

(SIGNED) *Jams Bixby*  
Chairman.

COPY.

Cherokee Freedmen

D-818.

Muskogee, Indian Territory, March 13, 1905.

Eugene B. Lawson,

Attorney for Edward Derrick,

Newata, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 1, 1905, asking to be advised as to the present status of the application for the enrollment of Edward Derrick as a Cherokee freedman.

In reply you are advised that the Commission's decision dated July 10, 1903, granting said application, together with the record of proceedings in the case, was forwarded to the Secretary of the Interior on August 17, 1903; that on October 3, 1903, at the Commission's request, this case was returned for further hearing, since which time the Commission has not rendered a new decision. When a decision has been rendered you will be furnished with a copy.

Respectfully,

RECORDED: *Tams Dixby.*  
Chairman.

COPY.

Cherokee Freedmen

2-122, et al.  
Muskogee, Indian Territory, April 17, 1906.

Wells, Hastings & Townsend,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1906, granting the applications for the enrollment of Joe Mann, Contrasts Grayson, Aaron Votter, Andrew, Lincio, Mattie, Charity, Willie, Ben, Dollie and Ned Liberty, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Wilora Grayson, Elizabeth, George Sr., George Jr., John and Fleming Naige, Irene, George and Flossie Banks, Mattie Carroll, Katie, Nathan and Henry T. Naige, Harriet, Willie W., Mattie, Helen, Venley and Edward H. Votter, Mary Beck, Edward Derrick and John Wright, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED, *Jame Bixby.*

Encl. 2-65.



COPY

Charles Freeman  
Chairman, et al.

Washoe, Indian Territory, April 17, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Joe Ross, et al., as Cherokee Freedmen, including the Commission's decision dated April 17, 1908, granting the applications for the enrollment of Joe Ross, Fortude Grayson, Aaron Webber, Aaron, Lizzie, Nattie, Charity, Nellie, Sam, Nellie and Ned Alberry, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Walter Grayson, Elizabeth, George Sr., George Jr., John and Florence Neige, Irene, George and Thomas Neige, Nettie Carroll, Nattie, Nathan and Henry T. Neige, Harriet, Nellie M., Nattie, Moses, Wesley and Edward W. Webber, Mary Beck, Edward Herrick and John Wright, as Cherokee Freedmen.

Respectfully,

(SIGNED) *Tame Bixby*  
Chairman.

Encl. 2-44  
Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedman

P-518.

Muskogee, Indian Territory, April 17, 1905.

Edward Herrick,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1905, rejecting, among others, the application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, E. B. Lawson, Nowata, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-55  
Register

(SIGNED).

Tamr Bixby.  
Chairman.

COPY.

Cherokee Freedman

D-818.

Muskogee, Indian Territory, April 17, 1908.

H. B. Lawson,

Attorney for Edward Derrick,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1908, rejecting, among others, the application for the enrollment of Edward Derrick as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. B-59  
Registrar,

(SIGNED).

*Tamr Bixby.*  
Chairman.

COPY.

Cherokee Freedman

D-318.

Muskogee, Indian Territory, April 29, 1905.

E. B. Lawson,

Attorney for Edward Derrick,  
Nowata, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of April 24, 1905, asking to be furnished with a copy of the record of proceedings had in the matter of the application for the enrollment of Edward Derrick as a Cherokee freedman.

In reply you are advised that an examination of the records in this case shows that you have heretofore been furnished with a copy of the record of proceedings in the matter of said application. You are further advised that the Commission cannot undertake to furnish you with the additional copy requested.

Respectfully,

(Signed) *Tama Bixby*  
Chairman.

COPY.

Cherokee Freedmen

D-818.

Muskogee, Indian Territory, June 1, 1905.

Eugene B. Lawson,

Attorney for Edward Derrick,  
Nowata, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 10, 1905, inclosing, for transmission to the Secretary of the Interior brief and argument on behalf of the applicant in the matter of the application for the enrollment of Edward Derrick as a Cherokee freedman.

In reply you are advised that said brief has this day been transmitted to the Department.

Respectfully,

(SIGNED).

*Tam's Dixby*  
Chairman.

COPY.

Cherokee Freedmen  
D-818.

Muskogee, Indian Territory, June 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted brief and argument on behalf of the applicant filed by Eugene B. Lawson, attorney for Edward Derrick, in the matter of his application for enrollment as a Cherokee freedman.

Respectfully,

(SIGNED) *T. B. Needles.*  
Commissioner in Charge.

Incl. S-3

Through the

Commissioner of Indian Affairs.



C O P Y .

Land.  
30769-1905.  
43223-1905.  
44630-1905.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington.

June 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 17, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Joe Ross for himself, his sister, Chlera Grayson and her minor grand child, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Meigs for herself; by George Meigs, Sr., for himself and his minor son, George Meigs, Jr.; by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor children, George and Flemon Hanks; by Hattie Carrell for herself, her sister, Katie Meigs, and her brothers, Nathan and Henry T. Meigs; by Lizzie Alberty for herself, her husband, Andrew Alberty, and her minor children, Hattie, Charity, Mel-  
lie, Ben, Dollie and Ned Alberty; by Harriet Webber for herself, her minor child, Millie W. Webber, and her minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward W. Webber for himself; by Samuel Beck for himself; his wife, Mary and his minor child, Luquittie Beck; by Edward Derriek for himself; and by John Wright for

himself.

April 17, 1905, the Commission decided favorably to Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lissie, Hattie Charity, Mollie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck and adversely to Chlera Grayson, Elizabeth, George Sr., George Jr., John and Flemings Weigs, Irene, George and Flemen Hanks, Hattie Carroll, Katie, Wathan and Henry T. Weigs, Harriet, Millie M., Hattie, Moses, Wesley and Edward N. Webber, Mary Beck, Edward Derrick and John Wright.

The record shows that Joe Ross, Chlera Grayson, Aaron Webber, Elizabeth Weigs, Peter Weigs (deceased) husband of Elizabeth Weigs, Sam Webber Sr., George Weigs Sr., Andrew Alberty, Samuel Beck and Edward Derrick were slaves of Cherokee citizens at the beginning of the war of the rebellion, and that during the war they left the Cherokee Nation; that Joe Ross, Peter Weigs and Sam Webber Sr., returned to the Nation in the summer or fall of 1866 and located claims upon the public domain of the Cherokee Nation; that they then returned to Kansas for their families and removed with them to the Cherokee Nation in the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck (wife of Samuel Beck) are daughters of Peter and Elizabeth Weigs, were born in the Cherokee Nation prior to their parents' removal to Kansas, and returned to the Cherokee Nation with them; George Weigs Sr., another child, returned with them at the same time. Millie M., Moses, Wesley and Edward N. Webber are the minor children of Harriet Webber and possess no rights to

enrollment except through their mother, their father Ellis Webber, not having returned to the Cherokee Nation on or before February 11, 1867. Hattie Webber is a daughter of Wesley Webber and one Missy Rowe; Missy Rowe was born since 1866 and is the daughter of Jesse Rowe, the rejection of whose claim was approved by the Department May 28, 1904. George Jr., John and Flemings Meigs and Irene Hanks are the children of George Meigs, Sr., and possess no rights to enrollment except through their father, their mother, Lucinda Meigs, born Towers, not being shown to possess any rights as a Cherokee Freedman; George and Flenon Hanks are the minor children of Irene Hanks and possess no rights to enrollment except through their mother. Hattie Carrell, Katie, Nathan and Henry T. Meigs were born since 1866 and are children of Simon and Fannie Meigs; Simon is the son of Peter and Elizabeth Meigs and returned to the Cherokee Nation with his parents. Fannie Meigs is not shown to possess any rights as a Cherokee Freedman. Andrew Alberty returned to the Cherokee Nation on or before February 11, 1867; his wife Lissie Alberty, is the daughter of Peter and Elizabeth Meigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty are their minor children born since 1866. Samuel Beck returned to the Cherokee Nation and established a residence therein prior to February 11, 1867, and has since continuously resided therein.

The minor applicant Luquittie Beck is the child of Samuel Beck and has resided with her father since birth.

Chlora Grayson returned to the Cherokee Nation with the Webbers, subsequent to February 11, 1867; her minor grand child, Gertrude Grayson, is the daughter of Armstead Foster, who is identified on the 1860 authenticated Cherokee roll.

Edward Derrick returned to the Cherokee Nation the last of February or first of March, 1867; John Wright is his son born since 1866 and takes the status of his father.

Aaron Webber returned to the Cherokee Nation in the summer of 1866. Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and the applicants, Gertrude Grayson and Lizzie, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty have resided therein continuously since birth. None of the other applicants, nor any of their ancestors, through whom they claim, can be identified on the 1860 authenticated Cherokee roll.

There is also enclosed briefs in behalf of Edward Derrick and Mary Beck which have received due consideration.

In view of the record the approval of the Commissioner's decision is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

.M.K.  
v.

C O P Y .

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 7538-1905.

8884- "  
8900- "

June 25, 1906.

Commissioner to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Sir:

On April 17, 1905, the Commission to the Five Civilized Tribes transmitted for departmental consideration the record in the matter of the consolidated applications of Joe Ross, Chlera Grayson et al., Aaron Webber, Elizabeth Meigs, George Meigs, Sr., et al., John Meigs, Flemings Meigs, Irene Hanks et al., Hattie Carell et al., Andrew Alberty et al., Harriet Webber et al., Moses Webber, Wesley Webber, Edward N. Webber, Samuel Beck et al, Edward Derrick, and John Wright, for enrollment as Cherokee freedmen, together with its decision dated April 17, 1905. There was also transmitted a general brief and argument for these applicants, prepared by their attorneys, also an argument on behalf of Edward Derrick, prepared by his attorney.

On September 7, 1905, the attorneys for the applicants filed motions for review in the matter of the application of Joe Ross et al., Hattie Carell et al., Elizabeth Meigs, Elizabeth Meigs et al., George Meigs, Sr., et al., Edward N. Webber, Harriet Webber, Moses Webber, and Wesley Webber et al.

No proper reason appears for granting said motions for review and they are hereby denied.

Reporting June 19, 1906, the Indian Office recommends that the decision of the Commission to the Five Civilized Tribes in this consolidated case be approved. A copy of its letter is inclosed.

A careful consideration of the record, together with the arguments submitted, leads the Department to the opinion that the Commission's decision is correct. The applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie Alberty, Mattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck, and Luquittie Beck are hereby approved, and you will enroll them as Cherokee freedmen. The applications for the enrollment of Chlera Grayson, Elizabeth Meigs, George Meigs, Sr., George Meigs, Jr., John Meigs, Fleming Meigs, Irene Hanks, George Hanks, Glendon Hanks, Mattie Garrell, Katie Meigs, Nathan Meigs, Henry T. Meigs, Harriet Webber, Millie M. Webber, Mattie Webber, Moses Webber, Wesley Webber, Edward M. Webber, Mary Beck, Edward Derrick, and John Wright as Cherokee freedmen are hereby denied.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inclosure.



Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Louis T. Brown,  
Attorney for Joe Hess, et al.,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Hess, et al., and rejecting the applications for the enrollment of Clara Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. P-7  
LTP

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1906, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1906, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. P-7  
HMP

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Blue & Bulger,

Attorneys for Joe Ross, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al. and rejecting the applications for the enrollment of Ohlera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by you September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-6  
MCP

Commissioner.

Cherokee freed-  
man D. 818

Muskogee, Indian Territory, July 6, 1906.

Edward Derrick,  
Hayden, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1906, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by your attorneys September 7, 1905, for review of your case was denied by the Department on said date.

Respectfully,

Commissioner.

MTP

( COPY )

D.C.55848-1906.

STARR & PATTEN,  
Attorneys at Law,  
Vinita, I. T.

December 22nd 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,  
Muskegee I T

Dear Sir:

Referring to the Cherokee Freedmen Enrollment cases of Luella Snaden et al and Orlena Grayson et al we beg to advise you that we have repeatedly reminded these applicants that they ought to file all of the affidavits they can secure in support of their motion for rehearing and in as much as they have given the matter no further attention the case might as well be forwarded for Departmental action as soon as your office is ready for it to go forward as we have nothing further to offer in support of this motion for rehearing.

Yours truly,

(Signed) Starr & Patten.

J.C.S.

Hadges, Indian Territory, December 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed August 20, 1906, by Starr & Patton, attorneys for applicants, Vinita, Indian Territory, for a rehearing of the Cherokee Freedmen consolidated case of Joe Ross et. al. No. B. 260 et al., insofar as it rejects the application of Chlova Grayson, et al. With their letter of October 10, 1906, said attorneys forwarded affidavits by Dunk Vann and Stephen Little, which they requested be filed in support of their motion, and they also requested that they be allowed thirty days within which to file additional affidavits in support of their motion. Since that time they have filed no new affidavits. These attorneys represent practically all of the Cherokee freedmen cases that are now pending, and they have filed a number of motions to review and reopen pending cases. They have also filed from time to time, affidavits and additional motions in support of their motions filed within the time limited by the Act of April 20, 1906. On December 21, 1906, said attorneys verbally advised the office that they had filed all of the papers they desire in connection with their motions.



Secretary-2

June 25, 1906 (I. T. D. 7532-8224-8900-1905), the Department affirmed the decision of the Commission to the Five Civilized Tribes favorable to a part of the applicants embraced in the Cherokee freedmen consolidated case of Joe Ross et al., and adverse to a part of the applicants therein. The motion referred to applies to applicants embraced in said case to whom the decision was adverse.

An examination of the original record in this case shows that the motion for a rehearing is without merit. The applicants in the case were represented in the hearing of the case by able attorneys, and a great mass of testimony was introduced in their behalf and on behalf of the Attorney for the Cherokee Nation. The motion is based upon the ground of newly discovered evidence, but there is no affidavit by any of the applicants showing that the evidence they now seek to introduce is newly discovered, or that with due diligence they could not have secured it when the case was heard before the commission. Both of the parties to the affidavits filed in support of the motion reside in the Cherokee Nation, and when the Commission was engaged in hearing Cherokee freedmen cases, they testified in a number of cases.

It is respectfully recommended that the motion for a rehearing be denied.

Secretary-3

There is enclosed a motion filed August 24, 1906, by Levaly & Givens, Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in said case. The protest of the Attorney for the Cherokee Nation, filed September 26, 1906, against this motion is also enclosed. The applicant, Mary Beck, was born prior to the breaking out of the war of the rebellion, and in accordance with the provisions of the Act of Congress approved April 26, 1906 ( 34 Stat., 137), she can not claim a constructive residence in the Cherokee Nation on account of the return to the Cherokee Nation of her father, Peter Meigs. The record in this case, as well as the records in various other Cherokee freedmen cases, shows that the family of Peter Meigs, and also the families of the persons with whom Peter Meigs returned to the Cherokee Nation after the war of the Rebellion, did not return to the Cherokee Nation until subsequent to February 11, 1867.

It is recommended that this motion for review be denied.

There is also enclosed a motion for review of the Cherokee freedman case of Edward Derrick, one of the applicants in said case. This motion was filed August 24, 1906, by Roy T. Osborne and W. J. Sullivan, attorneys for applicant. This motion

Secretary-4

has no merit, for the reason that it does not point out any erroneous construction of the law in the Department's decision. It is also respectfully recommended that this motion be denied.

Respectfully,

Through the

Commissioner of Indian Affairs.

Encl. B-9

Commissioner.

(MH)

(COPY)

Refer in reply to the following:

Land.  
75-1907  
2937-1907  
53921-1906

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

January 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of the Commissioner to the Five Civilized Tribes, dated December 27, 1906, transmitting motion for a re-hearing in the Cherokee Freedman consolidated case of Joe Ross, et al., in so far as it rejects the applicants, Chlorea Grayson, et al.

This motion was filed with the Commissioner on August 20, 1906, by Starr and Patten, attorneys for the applicants, at Vinita, I. T. With their letter of October 10, 1906, the attorneys furnished the Commissioner affidavits by Dunk Vann and Stephen Little, to be filed in support of their motion.

On June 26, 1906 (I. T. D. 7833, 8854, 8900-1906), the Department affirmed the decision of the Commission favorable to a part of the applicants embraced in the Cherokee Freedman case of Joe Ross, et al., and adverse to a part of them. The motion herein applies only to the applicants embraced in Departmental decision who were rejected thereby.

In connection herewith the attention of the Department is invited to a report of Commissioner Rishy dated January 7, 1907, which is transmitted on this day in connection with the

Cherokee Freedman case of Chlera Grayson, et al., with which is enclosed copy of letter from Starr and Patten, attorneys for the applicants, dated December 22, 1906, saying that they have repeatedly called the attention of the applicants to the necessity of filing further affidavits in support of their motion for a re-hearing, and that they have given the matter no further attention. For this reason they say they have nothing further to offer in support of the motion.

The record in this case shows that the applicants were represented in the hearing by able attorneys and a great mass of testimony was introduced on their behalf and on behalf of the attorneys for the Cherokee Nation. The motion is based on the ground of newly discovered evidence, but in view of the letter from the attorneys for the applicants saying that no further affidavits will be filed in support of the motion, and of the further fact that it is not shown that with due diligence the evidence could not have been secured when the case was heard before the Commission, it is recommended that the motion for re-hearing be denied.

There is also enclosed a motion filed with the Commissioner to the Five Civilized Tribes, August 24, 1906, by Evely and Givens, of Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in the case of Joe Ross, et al. The protest of the attorney for the Cherokee Nation, filed with the Commissioner September 24, 1906, against this

motion, is also forwarded herewith.

The record herein shows that Mary Beck was born prior to the breaking out of the War of the Rebellion, and in accordance with the provisions of the Act of April 26, 1906 (34 Stat. L., 137), she cannot claim constructive residence in the Cherokee Nation on account of the return thereto of her father, Peter Meigs.

The record further shows that the family of Peter Meigs, and also the families of persons with whom he returned to the Cherokee Nation after the war, did not return until subsequent to February 11, 1867. It is recommended that this motion for review be denied also.

Edward Derrick, one of the applicants in the case of Joe Ross, et al., by his attorneys, Roy T. Osborne and W. J. Sullivan, filed a motion for re-hearing with the Commissioner on August 24, 1906, which is enclosed.

As this motion fails to point out any erroneous construction of the law in the Department's decision, it is recommended that it be denied.

The record in the case is herewith enclosed.

Very respectfully,

C. F. Larrabee,  
Acting Commissioner.

AJW-D



(COPY)

JF Jr

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

I.T.D. 1354-1907.  
DEC. 6292-1907.  
LMS

January 29, 1907.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On January 18, 1907 (Land 2937), the Indian Office transmitted your report dated December 27, 1906, submitting for departmental consideration a motion for rehearing filed in behalf of Chlera Grayson et al., a motion for review filed in behalf of Mary Beck, and a motion for review filed in behalf of Edward Derrick, the last two motions involving persons who are parties to the first motion.

The attorney for the Cherokee Nation files protests which apparently covers nearly all of the parties named in the motions. Argument is also submitted by the attorneys for Edward Derrick.

You recommend, for reasons set forth in your report, that all the motions be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department has considered these motions, together with the few supporting affidavits filed, the argument of attorneys on behalf of the applicants and the nation, and the original

record. In regard to the motion for rehearing, the affidavits submitted show no evidence not heretofore considered by the Department. The record is voluminous, and it would appear that in the five years elapsing since the filing of this application ample time has been given to permit the applicants, by the exercise of due diligence, to have secured the necessary evidence to establish their rights as Cherokee Freedmen.

The motions for review point out no specific error; one alleges error in your decision, when in fact the decision in the case was made by the Commission to the Five Civilized Tribes.

The three motions transmitted are without merit. They are hereby denied.

The papers are returned for the files of the Indian Office.

Respectfully,

Thos Ryan  
First Assistant Secretary

Through the Commissioner  
of Indian Affairs.

1 Inc. and 25 to Ind. Of.

Cherokee F.  
R 815

Muskogee, Indian Territory, February 15, 1907.

Edward Derrick,

Hayden, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing, filed August 20, 1906, and a motion for review, filed August 24, 1906, in the Cherokee freedmen enrollment case of yourself, et al., were denied by the Secretary of the Interior, January 29, 1907.

Respectfully,

JMH

Commissioner.

Cherokee F.  
R 811

Muskogee, Indian Territory, February 15, 1907.

Starr & Patten,

Attorneys for Chlora Grayson, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that a motion, filed by you August 20, 1906, for a rehearing of the Cherokee freedmen enrollment case of Chlora Grayson, et al., was denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-2  
JMH

Commissioner.

Cherokee F.

R 815

Muskogee, Indian Territory, February 15, 1907.

Roy T. Osborne,  
Attorney for Edward Derrick,  
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that a motion for review in the Cherokee freedman enrollment case of Edward Derrick, filed by you August 24, 1906, was denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-9  
JMH

Commissioner.

Cherokee F.  
R 815

Muskogee, Indian Territory, February 15, 1907.

W. J. Sullivan,  
Attorney for Edward Derrick,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for review in the Cherokee freedman enrollment case of Edward Derrick, filed by you August 24, 1906, was denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-10  
JMH

Commissioner.



Cherokee F.  
R All et al.

Muskogee, Indian Territory, February 15, 1907.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of Ochlora Grayson, et al., filed August 20, 1906, and motions for review of the Cherokee freedmen enrollment cases of Mary Beck and Edward Derrick, filed August 24, 1906, were denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-12  
JMH

Commissioner.

Cher. Fr. R 816

Trans. from Cher. Fr. D 410

Cher. Fr. R 816

X

File with Cherokee Freedman, U-410

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 22d 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C.R. Breckinridge, testified as follows:

- Q What is your name? A Elizabeth Meigs.
- Q How old are you? A I can't know my age.
- Q About how old are you? A I was four years old when we came here with the old settlers.
- Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
- Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
- Q What is your post office? A Centralia.
- Q In what district do you live? A Cowwescowee.
- Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
- Q Who do you want to have enrolled besides yourself? A My children.
- Q Have you any children under twenty-one years old? A No sir.
- Q They will have to apply for themselves then? A (No response)
- Q Have you a husband? A No sir he is dead.
- Q Then you only apply for yourself? A Yes sir.
- Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
- Q How long have you been called Meigs? A Ever since I was nothing but a girl.
- Q Were you married to a man named Meigs? A Peter Meigs.
- Q Is he dead? A Yes sir, five years ago in September.
- Q Was he a Cherokee Freedman? A Yes sir.
- Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
- Q To whom did you belong? A Reuben Daniel.
- The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.
- Q Are any of your family on that roll that you know of. A Yes, sir, Alice Sanders is on it, she is a daughter of mine, Alice is.
- The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:
- Page 183, No. 2653, Alice Sanders, Cowwescowee district.
- The 1898 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.
- Q Did you draw your Cherokee strip money? A Yes sir.
- The Kerna-Glifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
- Page 100 No. 2613, Elias Meigs, Cowwescowee district.
- Q Did you ever go by the name of Daniel? A Yes sir that was my owners.
- The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
- Page 182, No. 40, Elizabeth Daniel,  
Noted Wife of Peter Meigs.
- Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
- Page 131, No. 2742, Elizabeth Meigs, Cowwescowee district.
- Q Where were you during the Civil war? did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
- Q When did you come back? A In the winter of '65.

Q What time in the winter? A Well it was in the winter.

Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.

Q When did he bring you down? A In the winter after he went from here on Big Creek.

Q He came ahead of you then? A Yes sir.

Q What time did he leave Kansas? A I cannot tell you when he first came.

Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '86.

Q Did he leave Kansas in the winter? A Yes sir.

Q Was he down here when Christmas came? A Yes sir.

Q Do you know how long it was before Christmas before he started to come here first? A No sir I don't.

Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.

Q How long after Christmas before you and he started down here together? A Directly after.

Q He spent Christmas that year in the Cherokee Nation by himself?

A Yes sir my husband did.

Q What members of your family came down with you and your husband?

A These children.

Q Did you bring your child Alice Sanders with you? A Yes sir.

Q All the children? A Yes sir.

Q Can you explain why you are not on the roll of 1860? A No sir.

Q Do you know why you are not on that roll? A No sir I don't know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.

Q Where were you living in Kansas then? A Fort Scott.

Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.

Q Was it as much as a couple or three weeks? A Yes sir I guess so.

Q And then you started down here? A Yes sir.

Q Was it in the spring of the year when you reached here? A No sir in the winter.

Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there weren't no buds nor nothing on the trees, it was winter I tell you.

Q You came in wagons did you? A Yes sir.

Q Who came with your husband down here when he first came? A Old man Mike Sanders.

Q Who else? A Reuben Sanders.

Q Who else? A Daniel Sanders.

Q Anyone else that you remember? A There was Little Sam Webber and old man Sam Webber.

Q Any other Webber's? A Laron Webber.

Q Did anyone else come down? A I don't remember anyone else now.

Q Were you there when they started down? A We all came together I am telling you.

Q But I mean when your husband came on in advance of you. Who came with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.

Q You were at Fort Scott then? A Yes sir.

Q And they all started together? A Yes sir.

Q These that you have named and all the you can think of at the present time? A Yes sir.

Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.

- Q And after Christmas you all came down did you? A Yes sir.
- Q Did you come in wagons then? A Yes sir.
- Q Did you come by a little place called Chatopa? A Yes sir.
- Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
- Q And you are living there yet? A Yes sir, that old house was built in '88.
- Q What house? A That one we is living in.
- Q And you are living at the same old place? A Yes sir, in the same old house.
- Q On what creek is that? A Big Creek.
- Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
- Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
- Q Did you see anyone from Chatopa along the road through the Nation to Big Creek when you came there? A No sir.
- Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
- Q You all came back together? A Yes sir.
- Q Now Auntie, did any additional people - any other families come down with you? A I dont know who all come down, I am just telling you what I know.
- Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you?
- A Yes sir.
- Q Did Aaron Webber come? A Yes sir.
- Q And your family? A Yes sir.
- Q Are there any that I missed? A That is all that I gave you.
- Q Is that all that came? A Aaron Wright come with us.
- Q Who else? A (No response)
- Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
- Q You come to the place that you are living at now did you?
- A Yes sir and has lived there ever since.
- Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there
- Q Who? A Lanie Riley was there on Verdigris, but now where we was living.
- Q How far from where you settled? A I don't know how far.
- Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
- Q Were they the closest residents to you at that time? A Yes sir.
- Q Were there any Delaware Indians there when you came there? A No sir I never saw none.
- Q Any Osages? A No sir, never saw none.
- Q You didn't see anybody on Big Creek, neither white or back, except those that came with you? A That is all.
- Q And you have been there ever since? A Yes sir, ever since we moved there.
- Q You say your husband Peter Meigs built a house there? A There s a log house there and he bought the house and we moved to it.
- Q Who built the house if you know? A Henry Harold.
- Q Was he a colored man? A Yes sir.
- Q Is he living? A I don't know if he is or not.
- Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
- Q They didn't admit him then did they? A I don't know sir.
- Q You know he was disputed? A I dont know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States Court or Commission? A I don't understand what you say.

Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.

Q I mean in court? A That is what I am telling you.

Q You know what a court is don't you? A Yes sir.

Q What court do you know? A Kerna Clifton court.

Q Any other court that you know of? A I know of the Wallace court,

Q Any others? A No sir.

Q Did he ever have anything done about your case by the Cherokee Council? A I don't know what was done, my man went there every year or two but I don't know what was done there.

Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road

Q Have you any witnesses with you that you want to introduce?

A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant.

(Examined by the Commission)

Q What is your name? A Ruben Sanders.

Q How old are you? A I suppose I am about 50.

Q What is your present office? A Centralia.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.

Q Who did you belong to? A James Sanders.

Q Were you taken to Kansas during the war? A Yes sir.

Q You have a wife named Alice have you? A Yes sir.

Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 175, No. 2657, Reuben Sanders, Cooweescoowas district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.

Q What court? A The Chambers Court.

Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.

Q In what year was that? A I can't tell what year it was.

Q Your citizenship had been disputed had it? A Yes sir.

Q When was your right to citizenship first disputed? A It was during the time that Thompson Oochelita was chief.

Q Was that before the 1880 roll was made? A Yes sir.

Q Did the Court decide in your favor? A Yes sir.

Q Was there any dispute made then about your being put on the 1880 roll? A No sir.

Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.

Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.

Q Where did they take your name? A I was in Goose-neck Bend, at the time.

Q Do you know the applicant Elisabeth Meigs? A Yes sir.

Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was?



- A Yes, sir.
- Q Did he go before the court at the same time? A No sir, I think not.
- Q His wife's citizenship was also disputed? A I judge so.
- Q Did she go down before that court? A Not to my knowledge.
- Q Did he go down to Tallapoosa to the court before that time? A Yes sir I think he went down to the Rob Daniels court, think he went with my father.
- Q Was Rob Daniels chief justice of that court? A Yes sir.
- Q Just a few years after the war? A Yes sir.
- Q In '71 wasn't it? A Yes sir.
- Q Was any action taken in that court? A I don't know.
- Q You were there yourself? A No sir.
- Q You were about 15 or 18 years old when you come back? A Yes sir I guess so, I don't exactly know how old I was.
- Q You were not married then? A No sir.
- Q How long after you got back before you married? A Not very long after I got back.
- Q Did you marry on your way down here? A No sir.
- Q How long had you been here before you married? A I have been married twice.
- Q How long had you been here before you married the first time?
- A Not very long.
- Q As much as a year? A May be so.
- Q Is that your best judgment? A My best judgment is perhaps that it was that long.
- Q When were you married to your present wife? A Upwards of 30 years, or so.
- Q How long did you live with your first wife? A Not very long, she died.
- Q A Year? A Perhaps it was, maybe a little longer.
- Q Then you married your present wife? A Yes sir.
- Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
- Q The first time? A Yes sir.
- Q Who came with you? A Several were on horse-back; it is beyond my knowledge how many there were.
- Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
- Q Did you come in August? A Yes sir.
- Q Who came with you then? A Some of this family, Peter Maigs and got his place; the heads of these families.
- Q Who else came with you? A My brother Dan and the Whitmires.
- Q Which ones? A Several.
- Q Which ones? A Kemp and Berrin, and the Webbers.
- Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Chapman, and Abe Hads, and I don't know who else, I don't know who all come.
- Q Who come when you come in October? A I don't know who all come then, so a of that same crowd and some more come in October.
- Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
- Q What was his first name? A Old man Caesar Smith.
- Q You come in both of the detachments yourself? A No sir.
- Q Which one did you come in? A I come in August.
- Q You didn't come in October then? A Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
- Q On Big Creek? A Yes sir.
- Q Where Mrs. Maigs lives? A Yes sir.
- Q And you returned in October, how long did you stay in October?

A We didn't all return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.

Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.

Q What time in the winter? A About in January.

Q You mean in '67. A No in the winter of '66.

Q Is you come here in the August and October of '66 and then returned for your families and come back here in the following winter, in the following January or February, that would be in '67? A I don't understand you; we came here in the winter of '66 is what I said, in January after we had first been here in August and October, we come right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.

Q What was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possibly can remember of who come with you in the January or February following?

A This family is one, her, the Meigs family, later Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.

Q I don't mean only of that family, there were other families were there not? A Old man Billie Yorman.

Q Who else? A He had several children.

Q The heads of families I mean? A Fannie Sanders; I don't recollect them all; I don't know as I can call the names of all of them.

Q Were any of the Webbers along? A Yes sir.

Q Old man Sam and young Sam? A Yes sir: I would not pretend to call them all over as I had forgotten them Webbers and so I can't remember for if I had forgotten them I don't think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.

Q Did his son Sam come? A Yes sir.

By W. W. Hastings:

Q Don't you remember anyone else? A Rachel Webber.

Q Do you think of anyone else? A No sir.

Q You know that is was a mooted question before the Kerns Glifton Commission as to whom came at this time and as to when you come? A I haven't been interested as to anyone except for myself.

Q You know that there is a question about who came don't you? A Yes sir I guess I do.

Q You say you came to Big Creek? A Yes sir.

Q Did you come by the way of Chatopa? A Yes sir I guess that we did, I don't know that they called it Chatopa then, there was a house or so there.

Q Did you cross the river there? A What river.

Q Neosho? A No sir.

Q You didn't cross at the Alistrap ferry? A No sir we crossed 20 or 30 miles from there.

Q You came through what is Chatopa and come on west through the prairie? A We may have.

Q You were in wagons? A Yes sir.

Q Were there any Parsons living on any of that country from Chatopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of anyone living there before that.

Q Were there any houses there except those that your crowd built?

A I don't know of any houses, but there were foundations for them on Big Creek.

Q Then the houses were not built before you moved there with your

families? A Yes sir some were, there were logs or some up 8 or 10 logs high.

Q When there were none really completed until you moved there with your families? A No sir.

Q Did you make a crop there the first year that you moved there?

A Yes sir, as near as we could with one horse plows and hoes.

Q Do you know Jim Martin? A Yes sir.

Q How far does he live from you now? A 4, 5 or 6 miles.

Q Was he living there when you people moved there? A No sir.

Q He had a brother named William Martin? A Yes sir.

Q Was he living out there then? A No sir.

Q There was an old man by the name of Carter living out there then, wasn't there? A No sir. There was an old man named Carter living 20 miles perhaps from there quite a while after we came there.

Q Was his name Dick Carter? A I think it was.

Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He came some time after.

Q Do you know if that ferry that you crossed the Neosho river was called Gillstrap ferry? A No sir we never crossed on Gillstrap ferry.

Q There was no farms made there when you passed through - no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66?

A Yes sir.

Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.

Q You didn't bring your families with you then? A Only part of them at some things that we had.

Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you?

A No sir.

Q Did Peter Meigs bring any family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Kansas? A I think with my father.

Q You came yourself in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q When you returned to the Cherokee Nation again in October?

A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir not all of them came in October.

Q Where was Peter Meigs in October? A He came with us at each trip.

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October?

A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That made the second time that Peter Meigs had been here?

A Yes sir.

Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I don't exactly know where he was in Christmas of '66.

Q When Peter Meigs got back to the Cherokee Nation with his family

did he settle in the Cherokee Nation near your family? A Yes sir.  
 Q How far apart? A Two or three hundred yards apart.  
 Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.  
 Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.  
 Q You still have them? A Yes sir.  
 Q When did you come? A In the winter.  
 Q Was it in February? A Must have been in December.  
 Q What about that February trip you spoke of? A It was in the winter some time. Snow was on the ground.  
 Q Did your father come at that trip? A Yes sir.  
 Q Your mother? A Yes sir.  
 Q Peter Meigs? A Yes sir.  
 Q His wife? A Yes sir.  
 Q That was your third trip? A Yes sir.  
 Q Was that your last trip? A Yes sir.  
 Q When did your wife Alice come? A Come then.  
 Q On that third trip? A Yes sir.  
 Q You say Peter Meigs made all three trips with you? A Yes sir.  
 Q Every time you came he came? A Yes sir.  
 Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.  
 Q Did he go there by himself? A No sir.  
 Q Do you remember distinctly that you came here in August the first time? A Yes sir.  
 Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.  
 Q Do you remember distinctly that he came with his family when you made your third and last trip? A Yes sir.  
 Q With his family? A Yes sir.

By Com'r Blackinridge: The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicates that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August 1885, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicates that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but as far as that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee court, either a citizenship court or the Cherokee Supreme court, prior to the date of the Cherokee court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will not be listed for enrollment on a doubtful card and the final



decision of the Commission will be made known to her at her postoffice address.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901, at Vinita, I.T.

Signed, T. B. Needles,  
Commissioner.

-----  
Supplemental:

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman.

REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.

Q How old are you? A I am only about 50 past.

Q You gave testimony just now in the case of Elizabeth Meigs?

A Yes sir.

Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867, when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.

Q How did you find out now it was January instead of February?

A It was just after Christmas that we was on the road coming down.

Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas - a few days before Christmas there was a man got killed named Rayford, and there was a gentleman killed him, a colored man killed that man Rayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following - a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 30 years old; something in that line.

Q Where did you say that killing took place? A In Kansas.

Q Fort Scott? A Yes sir.

Q And the man that was accused of the killing was named what?

A Named Mackey.

Q You remember his first name? A No.

Q You remember the man who was killed, you got his first name?

A No sir. I do not.

Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No, I don't know nothing about that part of it

Q You know what county, Ft. Scott is in? A No sir.  
Q Who called your attention to this error? A I thought so myself;  
I called my own attention to it; I was studying over it; I did.  
Q You know now it was only a few days after Christmas? A Yes sir,  
a few days after Christmas.

Com'r Breckinridge: This statement will be filed as  
supplemental in the Elizabeth Weigs case, to be considered in  
connection with the former statement of the witness, and the  
other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he correctly recorded  
the testimony and proceedings in this case and that the foregoing is  
a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,

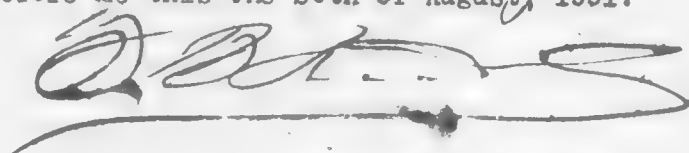
Subscribed and sworn to before me this May 23, 1901.

Signed, C. R. Breckinridge,  
Commissioner.

Bruce C. Jones, being duly sworn, says that as stenographer to  
the Commission to the Five Civilized Tribes he copied the foregoing,  
and the same is a true and correct copy from the original.

*Bruce C. Jones*

Sworn to and subscribed before me this the 20th of August, 1901.



Commissioner.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T. May 28rd, 1901.

In the matter of the application of Edward N. Webber for enrollment as a Cherokee Freedman; he being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A Edward N. Webber.  
Q How old are you? A. 21.  
Q What is your post office address? A. Wymer.  
Q In what district do you live? A. Cooweescoowee.  
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.  
Q Do you want to apply for anybody besides yourself? A. No sir.  
Q How long have you lived in the Cherokee Nation? A. All my life.  
Q Give me the name of your father? A. Ellis Webber.  
Q Is he dead? A. No sir.  
Q Give me the name of your mother? A. Harriett Webber.  
Q Is she dead? A. No sir.

Applicant not found on the 1880 and 1896 rolls.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found as follows:

Page 128 No 3198, Ed. Webber, Cooweescoowee district.

Wallace roll examined, applicant found as follows:

Page 150, No. 3127, Edward N. Webber, Cooweescoowee.

By Com'r Breckinridge, -

The applicant states that he has lived in the Cherokee Nation all his life; he is 21 years old; he cannot be identified on the rolls of 1880 or 1896; he is identified on the Wallace and Kerns Clifton rolls; he will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and for further evidence in his case it is directed that a set of the testimony in the case of his mother Harriett Webber be filed herewith. When the Commission arrive at a final decision with reference to this application, the applicant will be informed of the result thereof at his post office address.

//////////

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 29th day of May, 1901,  
at Chelsea, I. T.

*Chas. von Weise*  
*[Signature]*  
Commissioner.

To be filed in the case of Edward N. Webber, D 410 (C.F.)

Department of the Interior  
Commission to the Five Civilized Tribes,  
Vinita, I. T. May 23rd, 1901.

In the matter of the application of Harriete Webber for the enrollment of herself, one child and one adopted child, as Cherokee freedmen, being sworn and examined by Commissioner Brekinridge, she testified as follows:

Q You have been sworn, give your name? A. Harriet Webber.  
Q How old are you? A. About 40, I guess.  
Q What is your post office? A. Viner.  
Q In what district do you live? A. Ocoeeescoowee.  
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.  
Q Do you want to apply for anybody besides yourself? A Yes sir.  
Q Have you a husband you want to apply for? A. No sir, I am a widow with two children.  
Q Just yourself and two children? A Yes sir, two children under age  
Q And that is all? A Yes sir.  
Q How long have you lived in the Cherokee Nation? A. Near about all my life.  
Q Were you born in the Cherokee Nation? A. Yes sir.  
Q Have you ever lived anywhere else? A. Yes sir.  
Q Where have you lived? A. Went to Kansas.  
Q During the war? A. Yes sir.  
Q When do you claim to have come back from Kansas? A. In '66.  
Q With the exception of that absence, do you claim to have lived in the Cherokee Nation all your life? A All my life, yes sir.  
Q Give me the name of your father? A. Peter Meigs.  
Q Is Peter Meigs dead? A. Yes sir.  
Q Give me the name of your mother? A. Elizabeth Meigs.  
Q She is alive is she? A. Yes sir.  
Q Is she the old lady who applies yesterday? A. Yes sir.  
Q How many times have you been married? A. Twice.  
Q How long since you married the first time? A. About 27 years.  
Q To whom were you married then? A. Ellis Webber.  
Q Is he dead? A. No sir.  
Q Is he a Cherokee freedman? A. Yes sir.  
Q How long did you and he live together? A. About ten years.  
Q And then you parted did you? A. Yes sir.  
Q Did you get a divorce from him? A. No sir.  
Q How long since you married your second husband? A About four or five years.  
Q Give me his name? A. Jesse Roe.  
Q Is he alive? A. Yes sir.  
Q Have you and he parted? A. Yes sir.  
Q How long did you live with Jesse Roe? A. A year I guess.  
Q Is he a Cherokee freedman? A Yes sir.  
Q Give me the names of your children? A Millie May Webber.  
Q How old is that child? A. About 15 years old.  
Q Give me the name of the next child? A Hattie Webber.  
Q How old is Hattie? A 3 years old.  
Q You call her Webber too do you? A Yes sir.  
Q Are these children both living now? A. Yes sir.  
Q Who is there here who knows that you were married to Webber? A My brother here.

GEORGE MEIGS, being sworn and examined by Commissioner Brekinridge testified as follows-

Q Give your full name? A. George Meigs.  
Q How old are you? A. About 60, I guess.  
Q What is your post office? A Viner.  
Q What kin are you to the applicant here? A. Brother.  
Q How many times has she been married? A Twice.  
Q What was the name of her first husband? A. Ellis Webber.  
Q And of her second husband? A. Jesse Roe.

Q Was she ever married except to these two men? A No sir.  
 Q How many children has she? A. Well, she will have to count them.  
 Q I mean how many that are under 21? A Why just two.  
 Q What are their names? A. Millie is the oldest one, and the other one is Hattie.

Applicant: Grand-child.

Q Hattie is her grand child? A. Yes sir.

Applicant, Harriet Webber, recalled and further examined, by Commissioner Breckinridge-

Q Isn't Hattie's mother living? A. Yes sir.  
 Q Well, the mother must apply for her? A. She was adopted in my family; she was give to me from her birth.  
 Q Give me the name of Hattie's mother; Hattie's mother is your child isn't she? A No sir, Jesse Roe's daughter; my last husband's daughter his daughter's child.  
 Q Well, give me the name of Hattie's mother? A Missie Roe.  
 Q How old is Missie Roe? A. I couldn't tell you  
 Q Is she a young woman? A. Yes sir, she is about 19 years old.  
 Q How long has she lived in the Cherokee Nation? A. All her life  
 Q She is a child of Jesse Roe you say? A Yes sir  
 Q About how old is Jesse Roe? A. I couldn't tell you  
 Q Is he as old as you? A. Older than I am.  
 Q Now give me the name of Missie Roe's mother? A Her name was Lizzie Roe.  
 Q Is she dead or alive? A. She is dead.  
 Q How long has she been dead? A Oh I don't know how long she has been dead.  
 Q Long time, has she? A. Yes sir.  
 Q What was Lizzie Roe's name before she was married? A I couldn't tell you; I wasn't acquainted with her before that.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant, and name not found.

1896 census roll of citizens of the Cherokee Nation examined for applicant and names not found.

Kern Clifton roll of citizens of the Cherokee Nation examined and applicants identified as follows:

page 128 #3196 Harriet Webber, Cooweescoowee district.

page 128 #3199 Millie Webber, Cooweescoowee district.

Kern Clifton roll of citizens of the Cherokee Nation examined for Missie Roe, and not found.

1896 census roll of citizens of the Cherokee Nation examined for Missie Roe and not found.

Wallace roll of citizens of the Cherokee Nation examined for Missie Roe, and not found.

Wallace roll of citizens of the Cherokee Nation examined for applicant and identified as follows

page 150 #3124 Harriet Webber, Cooweescoowee district.

Wallace roll of citizens of the Cherokee Nation examined for Millie Webber and name not found;

Wallace roll of citizens of the Cherokee Nation examined for Ellis Webber, and name not found.

page 150 #3134 Ellis Webber, Cooweescoowee district.

Kern Clifton pay roll of citizens of the Cherokee Nation examined for Ellis Webber and name not found.

1880 authenticated roll of citizens of the Cherokee Nation examined for Ellis Webber and not found.

1896 census roll of citizens of the Cherokee Nation examined for Ellis Webber, and not found.

Q Was Ellis Webber ever married before he married you? A No sir, not as I know of.

Q Were you ever married before you married him? A No sir.

Witness George Meigs, re-called and further examined by Com'r Breckinridge

Q Do you know whether Ellis was ever married before or not? A No sir he wasn't.

Applicant, Harriet Webber, recalled, and further examined by Com'r Breckinridge

Q Have you ever got a divorce from Jesse Roe? A No sir.

Q You want this child enrolled as Hattie Webber do you? A Yes sir.

Com'r Breckinridge, The applicant applies for the enrollment of herself, one child and an adopted child; she makes no application for a husband; she has been separated from both her former husbands; the applicant is identified on the Wallace roll and the Kern Clifton roll, but not upon the roll of 1880 or upon that of 1896; she claims to have lived in the Cherokee Nation all her life, except an absence during and immediately after the Civil war; her change of name arising from marriage is established by satisfactory testimony; she will now be listed for enrollment as a Cherokee freedman on a doubtful card, and for further testimony in this case there will be filed the evidence in the case of her mother, Elizabeth Meigs, whose application was taken yesterday; the applicant's child, Millie May Webber, is said to be living at this time, and to be 15 years of age; this child is identified on the Kern Clifton roll; it is shown that the applicant and this child's father, Ellis Webber, who is still living, but from whom the applicant was separated some 10 years ago, and from whom she has never procured a divorce is identified on the Wallace roll, and none other; in addition, therefore, to the claim this child may have through its mother, there is a possible claim through its father, and when he applies for enrollment should be made to his case, if necessary, to finally determine the status of this child, which will now be listed for enrollment as a Cherokee freedman on a doubtful card. As for the grand child for whom the applicant applies, it is only a grand child by law, it being the grand child of her second husband, Jesse Roe, with whom she lived about one year after her marriage some four or five years ago, and after that period of married life they parted; Jesse Roe is said to be still living; Jesse Roe's daughter who is said to be the mother of this child, Missie Roe by name, is still living; she is not identified upon the roll of 1880 or upon the Kern Clifton roll, nor is she identified upon the Wallace roll; this child last in question, Hattie Webber as she is now called, is 3 years of age, and consequently is too young to be upon any roll; nothing is found at this time to indicate the right of this child to enrollment, but at a later period some status may be developed through the application of the child's mother Missie Roe, and the its grandfather, Jesse Roe; at the present, therefore, the child will be placed upon a doubtful card as a Cherokee Freedman, and the applicant is desired to file with the Commission a certificate of its birth.

\* \* \* \*

M.D. Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M. D. Green.

Subscribed and sworn to before me this May 24, 1901.

(signed) G. R. Breckinridge,  
Commissioner.

I, Chas. von Weise, upon oath state that the foregoing is a true copy of the original.

RECEIVED  
JUL 26 1891  
U.S. DEPT. OF JUSTICE

*Chas. von Weise*

Subscribed and sworn to before me this 26th of July, 1891.

*M D Green*

*Notary Public*

~~Notary Public~~

~~Notary Public~~



File with Cherokee Freedman D-410, Edward N. Webber.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et als for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;

J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Tright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Nineth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Robert Meigs.

Q Where do you live? A I live five miles southwest of Tahlequah.

Q What is your postoffice? A Park Hill is my postoffice.

Q How old are you? A I am 56 my next birthday.

Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '84 to '66.

Q Did your people own any slaves before the war? A Yes sir.

Q Do you know whether they owned a woman by the name of Elizabeth?

A No, sir.

Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.

Q Well, did you know Peter Meigs? A Yes, sir.

Q Do you know what his wife's name was when the war broke out?

A Betsy they called her.

Q Well, was she living, Betsy, at the time the war broke out?

A Yes, sir.

Q Well, did you ever know her by any other name than Betsy?

A Bettie.

Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.

Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant). A Yes, I think that is the one, I have never seen her but once.

Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.

Q Did you ever see Peter Meigs and his family after the war? A Yes, sir, saw Uncle Peter.

Q What year was that? A Sometime after '71.

Q What were the circumstances as to your seeing him or meeting him?

Q Why he had come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes, sir.



Q Give that conversation as near as you can

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting the and his wife at the time you speak of? A No, sir, just him and his wife to all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

Py L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

*Bruce C. Jones*

Sworn to and subscribed before me this the 7th of November, 1901.

*[Signature]*

Commissioner.

File with Cherokee Freedman B-410, Edward N. Webber.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appendants:

L. T. Brown, agent for applicants;

L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.

Q What is your age? A About 59.

Q What is your postoffice address? A Centralia.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1880?

A I think it does.

Q You know Elizabeth Meigs and George Meigs? A Yes, sir.

Q What relation is George Meigs to Elizabeth Meigs? A Her son.

Q Did you know Peter Meigs during his life time? A Yes, sir.

Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.

Q When did they return to the Cherokee Nation? A They came in '66.

Q With whom did they return? A They came with me and my father and the Webbers.

Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.

Q What time of the year? A First of December.

Q That was the first time? A Yes, sir.

Q When did you make your second trip? A Along in first part of January.

Q That was January, 1867? A Yes, sir..

Q Now which one of these trips was it that Peter and his family came with you? A They came both times.

Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.

Q Peter came with you alone the first time? A Yes, sir.

Q Then the second time he brought his family? A Yes, sir.

Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.

Q Then was his children? A Then was his children.

Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-324, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 17th of November, 1901.

*Bruce C. Jones*  
Commissioner

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al., for  
enrollment as Cherokee Freedmen, consolidating the applications of

Joe Ross,.....	Cherokee Freedmen D-380
Chelera Grayson, et al.,.....	Cherokee Freedmen D-496
Aaron Webber,.....	Cherokee Freedmen D-216
Elizabeth Meigs,.....	Cherokee Freedmen D-391
George Meigs, Sr., et al.,.....	Cherokee Freedmen D-394
John Meigs,.....	Cherokee Freedmen D-396
Flemings Meigs,.....	Cherokee Freedmen D-398
Irene Hanks, et al.,.....	Cherokee Freedmen D-401
Mattie Garrell, et al.,.....	Cherokee Freedmen D-402
Andrew Alberty, et al.,.....	Cherokee Freedmen D-404
Harriett Webber, et al.,.....	Cherokee Freedmen D-407
Moses Webber,.....	Cherokee Freedmen D-408
Wesley Webber,.....	Cherokee Freedmen D-409
Edward H. Webber,.....	Cherokee Freedmen D-410
Samuel Beck, et al.,.....	Cherokee Freedmen D-528
Edward Wright,.....	Cherokee Freedmen D-818
John Wright,.....	Cherokee Freedmen D-834

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Joe Ross, for himself; by Joe Ross, for his sister, Chelera Grayson; and her minor child, Gertrude; by Aaron Webber, for himself; by Elizabeth Meigs, for herself; by George Meigs, Sr., for himself, his wife, Matilda Meigs, and minor son, George Meigs, Jr., (Matilda Meigs is differently classified and is not embraced in this decision); by John Meigs, for himself; by Flemings Meigs, for himself; by Irene Hanks, for herself and minor child, George Hanks; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Florence Hanks; by Mattie Garrell, for herself, her sister, Katie Meigs, and brothers, Nathan and Henry T. Meigs; by Elizabeth Alberty, for herself, her husband, Andrew Alberty, and minor children Mattie, Charity, Nellie, Ben and Bolly Alberty; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Ned Alberty; by Harriett Webber, for herself and minor child, Willie H., and her ward, Mattie Webber; by Moses Webber for himself; by Wesley Webber, for himself; by Edward H. Webber, for himself; by Samuel Beck, for himself, his wife, Mary Beck, and minor child, Luquittie; by Edward Wright, for himself; and by John Wright, for himself.

The evidence shows that Joe Ross, one Peter Meigs, now deceased, husband of Elizabeth Meigs, Moses Webber, Sr., father of Aaron Webber, George Meigs, Sr., Chelora Grayson, Samuel Beck and Andrew Alberty, were slaves of Cherokee citizens at the commencement of the War of the Rebellion; and that during said War they left the Cherokee Nation.

Said Joe Ross, Peter Meigs and Moses Webber, Sr., returned to the Cherokee Nation in the fall of 1866, and located a claim on the public domain of the Cherokee Nation; they then went back to Kansas for their wives and families, and returned with them to said Nation in February or March, 1867.

Elizabeth Alberty, wife of Andrew Alberty, Mary Beck, wife of Samuel Beck, and Harriett Webber, are children of said Elizabeth and Peter Meigs, and, with the exception of the said Elizabeth Alberty, who has been born since 1866, were minors at the time of their parents' return to the Cherokee Nation. The said Elizabeth Alberty desires to be enrolled as Lizzie Alberty. Moses Webber, Wesley Webber and Edward W. Webber are children of said Harriett Webber, and have all been born since 1866.

George Meigs, Sr., returned with his father and mother to the Cherokee Nation in February or March, 1867, and was of age at that time.

John Meigs, Flemings Meigs and Irene Hanks have been born since 1866, and are children of, and claim right to enrollment through, the said George Meigs, Sr. The names of the said George Meigs, Sr., John Meigs, Flemings Meigs and Irene Hanks, are not found on the 1880 authenticated roll of the Cherokee Nation.

Chelora Grayson returned to the Cherokee Nation with her brother, Joe Ross, in February or March, 1867. She was then married and not a member of the family of Joe Ross, at the time of his return to the Cherokee Nation. Her name is not found on the 1880 authenticated roll of the Cherokee Nation. Her minor child, Gertrude, takes only such rights as are possessed by her mother.

Samuel Beck did not return to and establish his residence in the Cherokee Nation until after January 19, 1867. His name is not found on the 1880 authenticated roll of the Cherokee Nation.

Andrew Alberty returned to the Cherokee Nation and established a residence therein in 1866.

Hattie Carrell, Katie Meigs, Nathan Meigs and Henry T. Meigs, have been born since 1866, and are the children of one Simon Meigs, and claim their right to enrollment through him. The evidence does not show that the said Simon Meigs was the slave of a Cherokee citizen, or free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion, who was residing therein on July 19, 1866, or within six months thereafter. The names of the said Simon Meigs, Hattie Carrell, and Nathan and Henry T. Meigs, are not found on the 1880 authenticated roll of the Cherokee Nation.

Aaron Webber has been born since 1866, and is the son of Moses Webber, Sr., who is identified on the 1880 authenticated roll of the Cherokee Nation as adopted colored. It is presumed from this enrollment that the Cherokee Nation recognized that Moses Webber, Sr., complied with the terms of the treaty of 1866. Edward Wright is the step-son of said Moses Webber, Sr., and was a minor and a member of the family of said Moses Webber, Sr., when he returned with them to the Cherokee Nation in February or March, 1867. John Wright is the son of Edward Wright, and takes the status of his father.

Hattie Webber, included in the application of said Harriett Webber, is the daughter of Jesse and Missie Ree. The evidence does not show that the said Jesse or Missie Ree, or any of their ancestors, were ever slaves of Cherokee citizens, or free colored persons residing in the Cherokee Nation at the beginning of the War of the Rebellion. The names of said Harriett Webber, Jesse Ree and Missie Ree are not found on the 1880 authenticated roll of the Cherokee Nation.

The evidence further shows that Joe Rees, Elizabeth Meigs, Andrew Alberty, Mary Beck, Harriett Webber and Edward Wright have resided in the Cherokee Nation continuously since their return thereto, as above mentioned; that all the applicants herein, born since 1866, have resided in the Cherokee Nation continuously since birth.

It is, therefore, the opinion of this Commission, that Aaron Webber, having been born since 1866, should be enrolled as a Cherokee Freedman, and that Joe Rees, Elizabeth Meigs, Andrew Alberty, Lizzie Alberty, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dolly Alberty, Ned Alberty, Harriett Webber, Millie M. Webber, Moses Webber, Wesley Webber, Edward M. Webber, Mary Beck, Luquittie Beck, Edward Wright and John Wright should also be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1896 (30 Stats., 495); it is further the opinion of this Commission that the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Hattie Carroll, Katie Meigs, Nathan Meigs, Henry T. Meigs, Irene Hanks, George Hanks, Flomen Hanks, Chlera Grayson, Gertrude Grayson, Hattie Webber and Samuel Beck, should be denied, under the provisions of said Section twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

(SIGNED).

(SIGNED).

(SIGNED).

Muskogee, Indian Territory,  
JUL 10 1903  
this \_\_\_\_\_



C. M. McR.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al.,  
for enrollment as Cherokee Freedmen, consolidating the applica-  
tions of ---

Joe Ross,	Cherokee Freedmen D-350,
Chilera Grayson, et al.,	Cherokee Freedmen D-496,
Aaron Webber	Cherokee Freedmen D-816,
Elizabeth Meigs	Cherokee Freedmen D-391,
George Meigs, Sr., et al.,	Cherokee Freedmen D-394,
John Meigs,	Cherokee Freedmen D-396,
Flemings Meigs,	Cherokee Freedmen D-398,
Irene Hanks, et al.,	Cherokee Freedmen D-401,
Hattie Carrell, et al.,	Cherokee Freedmen D-402,
Andrew Alberty, et al.,	Cherokee Freedmen D-404,
Harriet Webber et al.,	Cherokee Freedmen D-407,
Moses Webber,	Cherokee Freedmen D-408,
Wesley Webber,	Cherokee Freedmen D-409,
Edward N. Webber	Cherokee Freedmen D-410,
Samuel Beck, et al.,	Cherokee Freedmen D-775,
Edward Derrick	Cherokee Freedmen D-818,
John Wright,	Cherokee Freedmen-D-834.

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Joe Ross for himself; by Joe Ross for his sister, Chilera Grayson and her minor grandchild, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Meigs for herself; by George Meigs, Sr., for himself, his wife Matilda Meigs, and his minor son, George Meigs, Jr., (the said Matilda Meigs, being differently classified, is not embraced in this decision); by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor son, George Hanks; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Flemen Hanks; by Hattie Carrell for herself, her sister, Katie Meigs, and her brothers, Nathan and Henry T. Meigs; by Elizabeth Alberty for herself, her husband Andrew Alberty, and her minor children, Hattie, Charity, Nellie, Sam and Dollie Alberty; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriet Webber for herself and minor child, Millie M. Webber, and minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward N.



Webber for himself; by Samuel Beck for himself, his wife Mary, and his minor child, Luquittie Beck; by Edward Wright for himself; and by John Wright for himself.

On July 10, 1903, the Commission rendered its decision in this consolidated case, which was forwarded to the Department for its consideration, and on August 31, 1903, the Commission requested that the record relative to the application of Chlera Grayson et al., party applicants in this consolidated case, be returned for reconsideration, and on Oct. 3, 1903, the Department complied with said request of the Commission and returned said record and decision. On June 17, 1904, further proceedings were had in the matter of the application for the enrollment of Chlera Grayson, et al.

The record herein shows that on April 1, 1902, the Commission received a letter from the applicant in Cherokee Freedmen D-404, heretofore listed for enrollment as Elizabeth Alberty, wherein she states that she desires to be enrolled as Linnie Alberty, and she will accordingly be considered in this decision under the last mentioned name. On June 6, 1904, the applicant in Cherokee Freedmen D 818, appeared before the Commission at Tahlequah, Indian Territory, and testified that his correct name was Edward Derrick, under which name he will be considered in this decision.

The evidence shows that Joe Ross, Chlera Grayson, Aaron Webber, Elizabeth Meigs, Peter Meigs, now deceased, husband of Elizabeth Meigs, Sam Webber, Sr., George Meigs, Sr., Andrew Alberty, Samuel Beck and Edward Wright, were slaves of Cherokee citizens at the commencement of the rebellion, and that during said rebellion they left the Cherokee Nation; the said Joe Ross, Peter Meigs and Sam Webber, Sr. returned to the Cherokee Nation in the summer or fall of 1866 and located some claims upon the public domain of the Cherokee Nation; they then returned to the State of Kansas for their families, and removed with them to the Cherokee Nation during the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck, wife of Samuel Beck, are daughters of Peter and Elizabeth Meigs, and were born in the Cherokee Nation prior to their parents removal to the State of Kansas, and returned to the Cherokee Nation with them; George Meigs, Sr., another child of Peter and Elizabeth Meigs returned to the Cherokee Nation with his parents at the time above mentioned. Millie M. Webber, Moses Webber, Wesley Webber and Edward M. Webber are the minor children of Harriet Webber, and possess no rights to enrollment except through their said mother, their father, Ellis Webber, not having returned to the Cherokee Nation within the time necessary to acquire rights as a Cherokee Freedman. Hattie Webber, included in the application of Harriet Webber, et al., is a daughter of Wesley Webber, Cherokee Freedmen D-407, and one Missy Rowe; it appears that the said Missy Rowe was born since 1866, and is the daughter of one Jesse Rowe, whose application for enrollment as a Cherokee Freedman was denied by this Commission, and which decision was approved by the Department on May 28, 1904; George Meigs, Jr. John Meigs, Flemings Meigs and Irene Hanks, are the children of George Meigs, Sr., and possess no rights to enrollment except through their said father, their mother, Lucinda Meigs, nee Towers, not being shown to possess any rights as a Cherokee Freedman; George Hanks and Flemen Hanks are the minor children of Irene Hanks, and possess no rights to enrollment as Cherokee Freedmen except through their said mother.

Hattie Carall, Katie Meigs, Nathan Meigs and Henry T. Meigs, have been born since 1866, and are the children of Simon Meigs and Fannie Meigs; the said Simon Meigs is the son of Peter and Elizabeth Meigs and returned to the Cherokee Nation with his parents the latter part of February or first of March, 1867; their mother, Fannie Meigs is not shown to possess any rights as a Cherokee Freedman, and in the absence of such showing it will be presumed that she possesses no such rights.

Andrew Alberty returned to the Cherokee Nation with his step-father, Peter Hudson, and the Commission have heretofore found, in the case of Peter Hudson, Cherokee Freedman D-604, that the said Peter Hudson returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation, and his enrollment was approved by the Secretary of the Interior, April 29, 1904; his wife, Lizzie Alberty, is the daughter of Peter and Elizabeth Meigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Hattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, are their minor children, born since 1866.

Samuel Beck returned to the Cherokee Nation and established a residence therein within the time specified in the decree of the Court of Claims above referred to, and has since continuously resided in said Nation. The minor applicant, Luquittie Beck, is the child of said Samuel Beck, and has continuously resided with her father since birth.

Chlora Grayson returned to the Cherokee Nation at the time the Webbers returned with their families, which was too late to acquire any rights, under Article nine of the Cherokee treaty of 1866; her minor grandchild, Gertrude Grayson, for whom she makes application, is the daughter of Armstead Foster, who is identified on the 1880 authenticated Cherokee tribal roll.

Edward Derriek returned to the Cherokee Nation with his mother, Katie Whitmire, and his step-father, Moses Whitmire, at the time the Whitmires and Webbers brought their families to the Cherokee Nation, which, from the evidence, is shown to have been the latter part of February or the first of March, 1867; John Wright is a son of Edward Derriek, born since 1866, and takes the status of his said father.

Aaron Webber returned to the Cherokee Nation with his brother, Sam Webber, in the summer of 1866.

It appears that Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and that the applicants, Gertrude Grayson, Lizzie Alberty, Hattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, have resided continuously in the Cherokee Nation since birth. None of the other applicants herein nor any of their ancestors through whom they claim, can be identified upon the 1880 authenticated Cherokee tribal roll.

It is, therefore, the opinion of this Commission that Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie

Albert, Mattie Albert, Gurley Albert, Willie Albert, Ben  
 Albert, Mattie Albert, Ed Albert, Samuel Beck and Lucretia  
 Beck, should be enrolled as Cherokee Freedmen; and that the ap-  
 plications for the enrollment of Oliver Grayson, Elizabeth Helge,  
 George Helge, Sr., George Helge, Jr., John Helge, Fincelene Helge,  
 Irene Helge, George Helge, Florence Helge, Mattie Helge, Mattie  
 Helge, Mattie Helge, Henry H. Helge, Harriet Helge, Willie H.  
 Helge, Mattie Helge, Henry H. Helge, Harriet Helge, Willie H.  
 Helge, Mary Beck, Edward Derrick and Jane Wright, as Cherokee  
 Freedmen, should be denied, under the provisions of section twenty-  
 one of the Act of Congress approved June 20, 1906 (34 Stat., 426),  
 and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

(Signed) Tom R. R. R.  
 Chairman.

(Signed) T. H. R. R.  
 Commissioner.

(Signed) T. H. R. R.  
 Commissioner.

Dated at Muskogee, Indian Territory,  
 this 27 1906.

720410

D. \_\_\_\_\_

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-

In notice on Edward

Webber

by delivering a true copy thereof on the

2 day of October A. D. 1901

Given under my hand this 2

day of October A. D. 1901

John Sacks  
Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the

..... day of ....., 190....

Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } S. S.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to .....

on the ..... day of ..... A. D. 190....

Subscribed and sworn to before me  
this .....

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 4 1901

Wimer

ACTING CHAIRMAN.

## NOTICE!

IN THE MATTER OF the application of Edward N. Webber  
for enrollment as Cherokee citizens:

Case No. D 410

To: Edward N. Webber Winn I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 15th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 21 1901

L. D. ...  
Mr. W. H. ...  
Attorneys for the Cherokee Nation.

# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT

ss

*N. Wehber*

In the matter of the application of *Edward*  
for enrollment as a Cherokee Freedman.

No. F. D. *410*

*James Pack*, of lawful age, being duly sworn on  
oath states that on the *8<sup>th</sup>* day of *September*, A. D., 1901, he registered  
to *Edward N. Wehber* whose postoffice is *Winnier*  
Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto  
attaches the receipt of the Postmaster at *Fort Gibson* Indian Territory;  
and that on the *25<sup>th</sup>* day of *September*, 1901, he received the return  
card which is hereto attached, signed by the said *Edward N. Wehber*, showing  
that he had received said notice.

Subscribed and sworn to before me on this the *25<sup>th</sup>* day of *Sept* A. D. 1901.

*James Pack*  
*J. C. Starr*

Notary Public.



9.10.410

No. D.....

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on .....

by delivering a true copy thereof on the  
day of ..... A. D. 1901

Given under my hand this .....  
day of ..... A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the  
..... day of ....., 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } s. s.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to .....  
on the ..... day of ..... A.D. 1901

Subscribed and sworn to before me  
this ..... D 1901.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
Notary Public.

FILED

SEP 28 1901



ACTING CHAIRMAN

## NOTICE!

*IN THE MATTER OF* the application of Edward N. Webber  
for enrollment as a Cherokee citizen:

Case No. D 410

To Edward N. Webber Wimer J. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on Sept. 20th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 17th 1901.

L. B. Bell  
W. M. Hastings  
Attorneys for the Cherokee Nation.

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**  
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Edward N. Webber,

Wimer, I.T.

Cherokee P-D-410

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

B.

J. I. 410.

*[Faint handwritten notes and signatures]*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
MAY 23 1901

*[Signature]*

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *May 23-1901*  
 Post Office *Wynnum. G. F. J.*  
 District *Both.*

1. Name *Edward A. Hebbert* Age *21*

Owner's name *A. C. R.* Citizenship *Both*

Year *125* Page *125* No. *3128* District *Both*

Parents:

Father *Ellis Hebbert* Citizenship *Both*

Mother *Harriet* Citizenship *Both*

2. Name of wife

Owner's name

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by

Stenographer

*Wm. L. Jones as Ed. Hebbert.*  
*Fuller Page 150 - No. 3127 - Both*  
*+ Ref to care of Harriet Hebbert.*

COPY.

Cherokee Freedmen  
B-220, No.

Muskogee, Indian Territory, July 17, 1903.

V. V. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Joe Ross, et al., granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Meigs, Andrew, Lizzie, Mattie, Charity, Nellie, Ben, Dollie and Ned Alberty, Harriett, Willie M., Moses, Wesley and Edward H. Webber, Mary and Luquittie Ross, Edward Wright and John Wright, and rejecting the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John and Fleming Meigs, Mattie Carroll, Katie, Nathan and Henry T. Meigs, Irene, George and Flossie Hanks, Chelera and Gertrude Crayson, Mattie Webber and Samuel Ross, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully, *T. B. Needles.*

Enc. B-22.

Commissioner in Charge.



Land  
53558-1903  
56859-1903.  
61805-1903.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

A.C.T.

Washington, Oct. 3, 1903.

To the Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

In accordance with the request contained in your report of August 31, 1903, the record relative to the application of Clara Grayson, et al., parties applicants to the Joe Boss, et al., case, for enrollment as citizens of the Cherokee Nation, is returned. There is also enclosed the affidavit of Samuel Beck, a party to the case, which was filed in this office by Chester Howe, Esq., of this city, who requested that action be suspended on the case for a reasonable time in order that Samuel Beck might secure further and additional proof in relation to his right to enrollment. Mr. Howe has been advised of this action.

Very respectfully,

(Signed) W. A. Jones.  
Commissioner.  
A.C.T.

G.A.V.-L.C.

Cherokee Freedman  
D-410

COPY.

Muskogee, Indian Territory, August 17, 1903

Edward W. Webber,  
Wimer, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated July 10, 1903, granting, among others, your said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*F. B. Needles.*

Enc. D-108  
Register.

Commissioner in Charge

Cherokee Freedmen  
D-350 et al.

Muskogee, Indian Territory, August 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Joe Ross et al., including the Commission's decision dated July 10, 1903, granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Meigs, Andrew, Lizzie, Hattie, Charity, Mollie, Ben, Dolly and Ned Alberty, Harriett and Millie M. Webber, Moses, Wesley and Edward N. Webber, Mary and Luquittie Beek and Edward and John Wright, and rejecting the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John and Flemings Meigs, Hattie Carell, Katie, Nathan and Henry T. Meigs, Irene, George and Flemon Hanks, Chlera and Gertrude Grayson, Hattie Webber and Samuel Beek, as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

At the request of the attorney for the Nation there are also enclosed two copies of his general brief in the Cherokee freed-

-2-

men enrollment, which he desires to have considered in connection with these cases.

Respectfully,

*T. B. Needles*  
Commissioner in Charge

Through the  
Commissioner of Indian Affairs.

Enc. D-113

COPY.

Cherokee Freedmen

P-360, et al.

Washogue, Indian Territory, April 17, 1908.

Hall, Hastings & Davenport,  
Attorneys for the Cherokee Nation,  
Washogue, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1908, granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Mattie, Charity, Nellie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Chisora Grayson, Elizabeth, George Sr., George Jr., John and Flenings Neige, Irene, George and Elmon Hanks, Mattie Carroll, Katie, Nathan and Henry T. Neige, Harriet, Willie K., Mattie, Moses, Wesley and Edward W. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED).

*Tame Bixby*

Encl. 2-43.

COPY.

Cherokee Freedmen  
B-350, et al.

Waukegon, Indian Territory, April 17, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Joe Ross, et al., as Cherokee freedmen, including the Commission's decision dated April 17, 1908, granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Mattie, Charity, Nellie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Clara Grayson, Elizabeth, George Sr., George Jr., John and Fleming Heige, Irene, George and Flenon Hooks, Mattie Carroll, Katie, Nathan and Henry T. Heige, Harriet, Willie W., Mattie, Moses, Wesley and Edward W. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee freedmen.

Respectfully,

(SIGNED) *Tams Dixby.*  
Chairman,

Incl. B-64

Through the

Commissioner of Indian Affairs,



COPY.

Cherokee Freedmen

D-410.

Muskogee, Indian Territory, April 17, 1906.

Edward N. Webber,

Wimer, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1906, rejecting, among others, the application for your enrollment as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-54  
Register

(SIGNED) *Tams Bixby.*  
Chairman.

C O P Y .

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,  
Washington.

Land,  
30769-1903,  
432-3-1905,  
44420-1905.

June 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 17, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Joe Ross for himself, his sister Chlera Grayson and her minor grand child, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Neigs for herself; by George Neigs, Sr., for himself and his minor son, George Neigs, Jr.; by John Neigs for himself; by Flemings Neigs for himself; by Irene Hanks for herself and her minor children, George and Florence Hanks; by Mattie Carroll for herself, her sister, Katie Neigs, and her brothers, Nathan and Henry T. Neigs; by Linnie Alberty for herself, her husband, Andrew Alberty, and her minor children, Mattie, Charity, Nellie, Ben, Dollie and Ned Alberty; by Harriet Webber for herself, her minor child, Willie H. Webber, and her minor ward, Mattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward E. Webber for himself; by Samuel Beck for himself; his wife, Mary and his minor child, Esquittie Beck; by Edward Berriack for himself; and by John Wright for

himself.

April 17, 1908, the Commission decided favorably to Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Mattie Charity, Nellie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck and adversely to Chlera Grayson, Elizabeth, George Sr., George Jr., John and Fleminga Meigs, Irene, George and Flemen Hanks, Mattie Garrall, Katie, Nathan and Henry T. Meigs, Harriet, Willie M., Mattie, Moses, Wesley and Edward H. Webber, Mary Beck, Edward Derrick and John Wright.

The record shows that Joe Ross, Chlera Grayson, Aaron Webber, Elizabeth Meigs, Peter Meigs (deceased) husband of Elizabeth Meigs, Sam Webber Sr., George Meigs Sr., Andrew Alberty, Samuel Beck and Edward Derrick were slaves of Cherokee citizens at the beginning of the war of the rebellion, and that during the war they left the Cherokee Nation; that Joe Ross, Peter Meigs and Sam Webber Sr., returned to the Nation in the summer or fall of 1866 and located claims upon the public domain of the Cherokee Nation; that they then returned to Kansas for their families and removed with them to the Cherokee Nation in the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck (wife of Samuel Beck) are daughters of Peter and Elizabeth Meigs, were born in the Cherokee Nation prior to their parents removal to Kansas, and returned to the Cherokee Nation with them; George Meigs Sr., another child, returned with them at the same time. Willie M., Moses Wesley and Edward H. Webber are the minor children of Harriet Webber and possess no rights to

enrollment except through their mother, their father Ellis Webber, not having returned to the Cherokee Nation on or before February 11, 1867. Mattie Webber is a daughter of Wesley Webber and one Missy Howe; Missy Howe was born since 1866 and is the daughter of Jesse Howe, the rejection of whose claim was approved by the Department May 26, 1904. George Jr., John and Flemings Neigs and Irene Neaks are the children of George Neigs, Sr., and possess no rights to enrollment except through their father, their mother, Lucinda Neigs, born Tevers, not being shown to possess any rights as a Cherokee Freedman; George and Flemen Neaks are the minor children of Irene Neaks and possess no rights to enrollment except through their mother. Mattie Carroll, Katie, Nathan and Henry T. Neigs were born since 1866 and are children of Simon and Fannie Neigs; Simon is the son of Peter and Elizabeth Neigs and returned to the Cherokee Nation with his parents. Fannie Neigs is not shown to possess any rights as a Cherokee Freedman. Andrew Alberty returned to the Cherokee Nation on or before February 11, 1867; his wife Lissie Alberty, is the daughter of Peter and Elizabeth Neigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants Mattie, Charity, Nellie, Ben, Dollie and Ned Alberty are their minor children born since 1866. Samuel Beck returned to the Cherokee Nation and established a residence therein prior to February 11, 1867, and has since continuously resided therein.

4

The minor applicant, Luquittie Beck is the child of Samuel Beck and has resided with her father since birth.

Chlera Grayson returned to the Cherokee Nation with the Webbers, subsequent to February 11, 1867; her minor grand child, Gertrude Grayson, is the daughter of Aramstead Foster, who is identified on the 1880 authenticated Cherokee roll.

Edward Herrick returned to the Cherokee Nation the last of February or first of March, 1867; John Wright is his son born since 1866 and takes the status of his father.

Aaron Webber returned to the Cherokee Nation in the summer of 1866. Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and the applicants, Gertrude Grayson and Lizzie, Mattie, Charity, Mollie, Ben, Dallis and Ned Alberty have resided therein continuously since birth. None of the other applicants, nor any of their ancestors, through whom they claim, can be identified on the 1880 authenticated Cherokee roll.

There is also enclosed briefs in behalf of Edward Herrick and Mary Beck which have received due consideration.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

C. F. Larrabee  
Acting Commissioner.

C O P Y .

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 7552-1905.

2884- "  
2900- "

June 25, 1906.

Commissioner to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Sir:

On April 17, 1905, the Commission to the Five Civilized Tribes transmitted for departmental consideration the record in the matter of the consolidated applications of Joe Ross, Ohlera Grayson et al., Aaron Webber, Elizabeth Meigs, George Meigs, Sr., et al., John Meigs, Flemings Meigs, Irene Hanks et al., Hattie Carell et al., Andrew Alberty et al., Harriet Webber et al., Moses Webber, Wesley Webber, Edward H. Webber, Samuel Beck et al., Edward Derrick, and John Wright, for enrollment as Cherokee freedmen, together with its decision dated April 17, 1905. There was also transmitted a general brief and argument for these applicants, prepared by their attorneys, also an argument on behalf of Edward Derrick, prepared by his attorney.

On September 7, 1905, the attorneys for the applicants filed motions for review in the matter of the application of Joe Ross et al., Hattie Carell et al., Elizabeth Meigs, Elizabeth Meigs et al., George Meigs, Sr., et al., Edward H. Webber, Harriet Webber, Moses Webber, and Wesley Webber et al.



No proper reason appears for granting said motions for review and they are hereby denied.

Reporting June 19, 1908, the Indian Office recommends that the decision of the Commission to the Five Civilized Tribes in this consolidated case be approved. A copy of its letter is inclosed.

A careful consideration of the record, together with the arguments submitted, leads the Department to the opinion that the Commission's decision is correct. The applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie Alberty, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck, and Luquittie Beck are hereby approved, and you will enroll them as Cherokee freedmen. The applications for the enrollment of Chelora Grayson, Elizabeth Meigs, George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Irene Hanks, George Hanks, Glendon Hanks, Hattie Carell, Katie Meigs, Nathan Meigs, Henry T. Meigs, Harriet Webber, Millie M. Webber, Hattie Webber, Moses Webber, Wesley Webber, Edward M. Webber, Mary Beck, Edward Derrick, and John Wright as Cherokee freedmen are hereby denied.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inclosure.

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. B-7  
MMP

Cherokee freed-  
men D. 350 et al.

Muskegee, Indian Territory, July 6, 1906.

Louis T. Brown,

Attorney for Joe Ross, et al.,

Muskegee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. P-7  
MMP

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Blue & Bulger,  
Attorneys for Joe Ross, et al.,  
Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al. and rejecting the applications for the enrollment of Chlora Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by you September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl.P-6  
MMP

Commissioner.

Cherokee freed-

man D. 410

Muskogee, Indian Territory, July 6, 1906.

Edward N. Webber,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by your attorneys September 7, 1905, for review of your case was denied by the Department on said date.

Respectfully,

Commissioner.

MMP

( COPY )

D.C.55848-1906.

STARR & PATTEN,

Attorneys at Law,

Vinita, I. T.

December 22nd 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee I T

Dear Sir:

Referring to the Cherokee Freedmen Enrollment cases of Luella Snaden et al and Chlora Grayson et al we beg to advise you that we have repeatedly reminded these applicants that they ought to file all of the affidavits they can secure in support of their motion for rehearing and in as much as they have given the matter no further attention the case might as well be forwarded for Departmental action as soon as your office is ready for it to go forward as we have nothing further to offer in support of this motion for rehearing.

Yours truly,

(Signed) Starr & Patten.

J.C.S.



Muskgee, Indian Territory, December 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed August 20, 1906, by Starr & Patten, attorneys for applicants, Vinita, Indian Territory, for a rehearing of the Cherokee Freedman consolidated case of Joe Ross et. al. No. D. 359 et al., insofar as it rejects the applicants Chlorea Grayson, et al. With their letter of October 10, 1906, said attorneys forwarded affidavits by Dunk Vann and Stephen Little, which they requested be filed in support of their motion, and they also requested that they be allowed thirty days within which to file additional affidavits in support of their motion. Since that time they have filed no new affidavits. These attorneys represent practically all of the Cherokee freedman cases that are now pending, and they have filed a number of motions to review and reopen pending cases. They have also filed from time to time, affidavits and additional motions in support of their motions filed within the time limited by the Act of April 26, 1906. On December 21, 1906, said attorneys verbally advised the office that they had filed all of the papers they desire in connection with their motions.

Secretary-2

June 25, 1906 (I. T. D. 7538-8884-8900-1905), the Department affirmed the decision of the Commission to the Five Civilized Tribes favorable to a part of the applicants embraced in the Cherokee freedmen consolidated case of Joe Rens et al., and adverse to a part of the applicants therein. The motion referred to applies to applicants embraced in said case to whom the decision was adverse.

An examination of the original record in this case shows that the motion for a rehearing is without merit. The applicants in the case were represented in the hearing of the case by able attorneys, and a great mass of testimony was introduced in their behalf and on behalf of the Attorney for the Cherokee Nation. The motion is based upon the ground of newly discovered evidence, but there is no affidavit by any of the applicants showing that the evidence they now seek to introduce is newly discovered, or that with due diligence they could not have secured it when the case was heard before the commission. Both of the parties to the affidavits filed in support of the motion reside in the Cherokee Nation, and when the Commission was engaged in hearing Cherokee freedmen cases, they testified in a number of cases.

It is respectfully recommended that the motion for a rehearing be denied.

Secretary-3

There is enclosed a motion filed August 24, 1906, by Zevely & Givens, Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in said case. The protest of the Attorney for the Cherokee Nation, filed September 26, 1906, against this motion is also enclosed. The applicant, Mary Beck, was born prior to the breaking out of the war of the rebellion, and in accordance with the provisions of the Act of Congress approved April 26, 1906, ( 34 Stat., 137), she can not claim a constructive residence in the Cherokee Nation on account of her return to the Cherokee Nation of her father, Peter Meigs. The record in this case, as well as the records in various other Cherokee freedmen cases, shows that the family of Peter Meigs, and also the families of the persons with whom Peter Meigs returned to the Cherokee Nation after the war of the Rebellion, did not return to the Cherokee Nation until subsequent to February 11, 1867.

It is recommended that this motion for review be denied.

There is also enclosed a motion for review of the Cherokee freedman case of Edward Derrick, one of the applicants in said case. This motion was filed August 24, 1906, by Roy T. Osborne and W. J. Sullivan, attorneys for applicant. This motion

Secretary-4

has no merit, for the reason that it does not point out any erroneous construction of the law in the Department's decision. It is also respectfully recommended that this motion be denied.

Respectfully,

Through the

Commissioner of the Indian Affairs.

Encl. B-9

Commissioner.

(MH)

(COPY)

Refer in reply to the following:

Land,  
75-1907  
2937-1907  
33921-1908

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON,

January 18, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

There is forwarded herewith report of the Commissioner to the Five Civilized Tribes, dated December 27, 1906, transmitting motion for a re-hearing in the Cherokee Freedmen consolidated case of Joe Ross, et al., in so far as it rejects the applicants, Chlera Grayson, et al.

This motion was filed with the Commissioner on August 20, 1906, by Starr and Patten, attorneys for the applicants, at Vinita, I. T. With their letter of October 10, 1906, the attorneys furnished the Commissioner affidavits by Duck Vann and Stephen Little, to be filed in support of their motion.

On June 26, 1906 (I. T. D. 7533, 8884, 8900-1906), the Department affirmed the decision of the Commission favorable to a part of the applicants embraced in the Cherokee Freedmen case of Joe Ross, et al., and adverse to a part of them. The motion herein applies only to the applicants embraced in Departmental decision who were rejected thereby.

In connection herewith the attention of the Department is invited to a report of Commissioner Hixby dated January 7, 1907, which is transmitted on this day in connection with the

-2-

Cherokee Freedmen case of Chelera Grayson, et al., with which is enclosed copy of letter from Starr and Patton, attorneys for the applicants, dated December 21, 1906, saying that they have repeatedly called the attention of the applicants to the necessity of filing further affidavits in support of their motion for a re-hearing, and that they have given the matter no further attention. For this reason they say they have nothing further to offer in support of the motion.

The record in this case shows that the applicants were represented in the hearing by able attorneys and a great mass of testimony was introduced on their behalf and on behalf of the attorneys for the Cherokee Nation. The motion is based on the ground of newly discovered evidence, but in view of the letter from the attorneys for the applicants saying that no further affidavits will be filed in support of the motion, and of the further fact that it is not shown that with due diligence the evidence could not have been secured when the case was heard before the Commission, it is recommended that the motion for re-hearing be denied.

There is also enclosed a motion filed with the Commissioner to the Five Civilized Tribes, August 24, 1906, by Sevely and Givens, of Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in the case of Joe Moss, et al. The protest of the attorney for the Cherokee Nation, filed with the Commissioner September 24, 1906, against this



Cherokee Freedmen case of Chlera Grayson, et al., with which is enclosed copy of letter from Starr and Fatten, attorneys for the applicants, dated December 22, 1906, saying that they have repeatedly called the attention of the applicants to the necessity of filing further affidavits in support of their motion for a re-hearing, and that they have given the matter no further attention. For this reason they say they have nothing further to offer in support of the motion.

The record in this case shows that the applicants were represented in the hearing by able attorneys and a great mass of testimony was introduced on their behalf and on behalf of the attorneys for the Cherokee Nation. The motion is based on the ground of newly discovered evidence, but in view of the letter from the attorneys for the applicants saying that no further affidavits will be filed in support of the motion, and of the further fact that it is not shown that with due diligence the evidence could not have been secured when the case was heard before the Commission, it is recommended that the motion for re-hearing be denied.

There is also enclosed a motion filed with the Commissioner to the Five Civilized Tribes, August 24, 1906, by Evelyn and Givens, of Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in the case of Joe Ross, et al. The protest of the attorney for the Cherokee Nation, filed with the Commissioner September 25, 1906, against this

motion, is also forwarded herewith.

The record herein shows that Mary Beck was born prior to the breaking out of the War of the Rebellion, and in accordance with the provisions of the Act of April 26, 1906 (34 Stat. L., 137), she cannot claim constructive residence in the Cherokee Nation on account of the return thereto of her father, Peter Meigs.

The record further shows that the family of Peter Meigs, and also the families of persons with whom he returned to the Cherokee Nation after the war, did not return until subsequent to February 11, 1867. It is recommended that this motion for review be denied also.

Edward Derrick, one of the applicants in the case of Joe Ross, et al., by his attorneys, Roy T. Osborne and W. J. Sullivan, filed a motion for re-hearing with the Commissioner on August 24, 1906, which is enclosed.

As this motion fails to point out any erroneous construction of the law in the Department's decision, it is recommended that it be denied.

The record in the case is herewith enclosed.

Very respectfully,

C. F. Larrabee,  
Acting Commissioner.

ATV-D

(COPY)

JF Jr

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

I.T.D. 1186-1907.  
D.C. 6292-1907.  
LBB

January 29, 1907.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On January 18, 1907 (Land 2937), the Indian Office transmitted your report dated December 27, 1906, submitting for departmental consideration a motion for rehearing filed in behalf of Chlora Grayson et al., a motion for review filed in behalf of Mary Beak, and a motion for review filed in behalf of Edward Derrick, the last two motions involving persons who are parties to the first motion.

The attorney for the Cherokee Nation files protests which apparently covers nearly all of the parties named in the motions. Argument is also submitted by the attorneys for Edward Derrick.

You recommend, for reasons set forth in your report, that all the motions be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department has considered these motions, together with the few supporting affidavits filed, the argument of attorneys on behalf of the applicants and the nation, and the original

record. In regard to the motion for rehearing, the affidavits submitted show no evidence not heretofore considered by the Department. The record is voluminous, and it would appear that in the five years elapsing since the filing of this application ample time has been given to permit the applicants, by the exercise of due diligence, to have secured the necessary evidence to establish their rights as Cherokee freedmen.

The motions for review point out no specific error; one alleges error in your decision, when in fact the decision in the case was made by the Commission to the Five Civilized Tribes.

The three motions transmitted are without merit. They are hereby denied.

The papers are returned for the files of the Indian Office.

Respectfully,

Thos Ryan  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 Inc. and 20 to Ind. Of.

Cherokee F.  
R 816

Muskogee, Indian Territory, February 15, 1907.

Edward H. Webber,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that a motion for rehearing of the Cherokee freedmen enrollment case of yourself, et al., filed by your attorneys, Starr & Patten, Vinita, Indian Territory, on August 20, 1906, was denied by the Secretary of the Interior, January 29, 1907.

Respectfully,

JMH

Commissioner.

Cherokee F.  
R 811

Muskogee, Indian Territory, February 15, 1907.

Starr & Patten,

Attorneys for Chlora Grayson, et al.,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that a motion, filed by you August 20, 1906, for a rehearing of the Cherokee freedmen enrollment case of Chlora Grayson, et al., was denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-2  
JMH

Commissioner.



Cherokee F.  
R 811 et al.

Muskogee, Indian Territory, February 15, 1907.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of Chlera Grayson, et al., filed August 20, 1906, and motions for review of the Cherokee freedmen enrollment cases of Mary Beck and Edward Derrick, filed August 24, 1906, were denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-12  
JMH

Commissioner.

Cher. Fr. R 817

Cher. Fr. R 817

Trans. from Cher. F.D 409

wwwX

Cherokee Freedman, D-409

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 22d 1901.

In the matter of the application of Elizabeth Maigs for enrollment as : Cherokee Freedman; she being sworn by Commissioner O.R. Brackinridge, testified as follows:

- Q What is your name? A Elizabeth Maigs.
- Q How old are you? A I don't know my age.
- Q About how old are you? A I was four years old when we came here with the old settlers.
- Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
- Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
- Q What is your post office? A Centralia.
- Q In what district do you live? A Coowasecooee.
- Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
- Q Who do you want to have enrolled besides yourself? A My children.
- Q Have you any children under twenty-one years old? A No sir.
- Q They will have to apply for themselves then? A (No response)
- Q Have you a husband? A No sir he is dead.
- Q Then you only apply for yourself? A Yes sir.
- Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
- Q How long have you been called Maigs? A Ever since I was nothing but a girl.
- Q Were you married to a man named Maigs? A Peter Maigs.
- Q Is he dead? A Yes sir, five years ago in September.
- Q Was he a Cherokee Freedman? A Yes sir.
- Q Were you a slave in the Cherokee Nation before the war? A Yes sir
- Q To whom did you belong? A Reuben Daniel.
- The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.
- Q Are any of your family on that roll that you know of. A Yes, sir, Alice Sanders is on it, she is a daughter of mine, Alice is.
- The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:
- Page 135, No. 2658, Alice Sanders, Coowasecooee district.
- The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.
- Q Did you draw your Cherokee strip money? A Yes sir.
- The Karna-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
- Page 100 No. 2512, Eliza Maigs, Coowasecooee district.
- Q Did you ever go by the name of Daniel? A Yes sir then was my owners.
- The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
- Page 182, No. 40, Elizabeth Daniel.
- Note: Wife of Peter Maigs.
- Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
- Page 131, No. 2748, Elizabeth Maigs, Coowasecooee district.
- Q Were you during the civil war did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
- Q When did you come back? A In the winter of '66.

- Q What time in the winter? A Well it was in the winter.
- Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
- Q When did he bring you down? A In the winter after he went from here on Big Creek.
- Q He came ahead of you then? A Yes sir.
- Q What time did he leave Kansas? A I cannot tell you when he first came.
- Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '88.
- Q Did he leave Kansas in the winter? A Yes sir.
- Q Was he down here when Christmas came? A Yes sir.
- Q Do you know how long it was before Christmas before he started to come here first? A No sir I don't.
- Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
- Q How long after Christmas before you and he started down here together? A Directly after.
- Q He spent Christmas that year in the Cherokee Nation by himself?
- A Yes sir my husband did.
- Q What members of your family came down with you and your husband?
- A These children.
- Q Did you bring your child Alice Sanders with you? A Yes sir.
- Q All the children? A Yes sir.
- Q Can you explain why you are not on the roll of 1880? A No sir.
- Q Do you know why you are not on that roll? A No sir I don't know nothing about the rolls.
- By W. W. Hastings, Cherokee Representative:
- Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what he had in Kansas? A Yes sir what little we had, we never had much to sell.
- Q Where were you living in Kansas then? A Fort Scott.
- Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all came here.
- Q Was it as much as a couple or three weeks? A Yes sir I guess so.
- Q And then you started down here? A Yes sir.
- Q Was it in the spring of the year when you reached here? A No sir in the winter.
- Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there weren't no buds nor nothing on the trees, it was winter I tell you.
- Q You all came in wagons did you? A Yes sir.
- Q Who came with your husband down here when he first came? A Old man Mike Sanders.
- Q Who else? A Reuben Sanders.
- Q Who else? A Daniel Sanders.
- Q Anyone else that you remember? A There was little Sam Webber and old man Sam Webber.
- Q Any other Webber's? A Aaron Webber.
- Q Did anyone else come down? A I don't remember anyone else now.
- Q Were you there when they started down? A We all came together I am telling you.
- Q But I mean when your husband came on in advance of you. Who came with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
- Q You were at Fort Scott then? A Yes sir.
- Q And they all started together? A Yes sir.
- Q These that you have named are all the you can think of at the present time? A Yes sir.
- Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.

Q And after Christmas you all came down did you? A Yes sir.

Q Did you come in wagons then? A Yes sir.

Q Did you come by a little place called Chatoga? A Yes sir.

Q Where did you come to in the Cherokee Nation? A I came right where I am living yet when I came to the Cherokee Nation.

Q And you are living there yet? A Yes sir, that old house was built in '66.

Q What house? A That one we is living in.

Q And you are living at the same old place? A Yes sir, in the same old house.

Q On what creek is that? A Big Creek.

Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.

Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.

Q Did you see anyone from Chatoga along the road through the Nation to Big Creek when you came there? A No sir.

Q Did these people who first came down with your husband return with him and then come down again when your family all came after Christmas? A Yes sir.

Q You all came back together? A Yes sir.

Q Now Auntie, did any additional people - any other families come down with you? A I don't know who all come down, I am just telling you what I know.

Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.

Q Did Aaron Webber come? A Yes sir.

Q And your family? A Yes sir.

Q Are there any that I missed? A That is all that I gave you.

Q Is that all that come? A Aaron Wright come with us.

Q Who else? A (No response)

Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.

Q You come to the place that you are living at now did you?

A Yes sir and has lived there ever since.

Q Have you any Cherokee neighbors there now that were old residents? A N sir, there was some lived on Verdigris when we came there.

Q Who? A Linnie Riley was there on Verdigris, but now where we was living.

Q How far from where you settled? A I don't know how far.

Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.

Q Were they the closest residents to you at that time? A Yes sir.

Q Were there any Delaware Indians there when you came there? A No sir I never saw none.

Q Any Osages? A No sir, never saw none.

Q You didn't see anybody on Big Creek, neither white or back, except those that came with you? A That is all.

Q And you have been there ever since? A Yes sir, ever since we moved there.

Q You say your husband Peter Malign built a house there? A There is a log house there and he bought the house and we moved to it.

Q Who built the house if you know? A Henry Harold.

Q Was he a colored man? A Yes sir.

Q Is he living? A I don't know if he is or not.

Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.

Q They didn't admit him then did they? A I don't know sir.

Q You know he was disputed? A I don't know nothing about it, I never paid any attention to any such things as that then.



By the Commission:

Q Were you ever admitted by the Cherokee or United States Court or Commission? A I don't understand what you say.

Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.

Q I mean in court? A That is what I am telling you.

Q You know what a court is don't you? A Yes sir.

Q What court do you know? A Kame Clifton court.

Q Any other court that you know of? A I know of the Wallace court.

Q Any others? A No sir.

Q Did he ever have anything done about your case by the Cherokee Council? A I don't know what was done, my man went there every year or two but I don't know what was done there.

Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.

Q Have you any witnesses with you that you want to introduce?

A Yes sir.

TUBEN SANDERS, called and sworn by Commissioner G. R. Breckinridge, testified as follows on the part of the applicant.

(Examined by the Commission)

Q What is your name? A Tuben Sanders.

Q How old are you? A I suppose I am about 50.

Q What is your postoffice? A Centralia.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.

Q Who did you belong to? A James Sanders.

Q Were you taken to Kansas during the war? A Yes sir.

Q You have a wife named Alice have you? A Yes sir.

Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 178, No. 2657, Nathan Sanders, Goochessobowee district.

Q Did you ever have to answer the question of your citizenship before any court? A Yes sir.

Q What court? A The Chambers Court.

Q Is that the only one? A Yes sir that is the only one: I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.

Q In what year was that? A I can't tell what year it was.

Q Your citizenship had been disputed had it? A Yes sir.

Q When was your right to citizenship first disputed? A It was during the time that Thompson Gochelita was chief.

Q Was that before the 1880 roll was made? A Yes sir.

Q Did the Court decide in your favor? A Yes sir.

Q Was there any dispute made then about your being put on the 1880 roll? A No sir.

Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.

Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.

Q Where did they take your name? A I was in Goochessobowee Band, at the time.

Q Do you know the applicant Elizabeth Knight? A Yes sir.

Q Your wife is her daughter? A Yes sir.

By S. T. Hastings:

Q When was your citizenship first disputed the same time yours was?



- A Yes, sir.
- Q Did he go before the court at the same time? A No sir, I think not.
- Q His wife's citizenship was also disputed? A I judge so.
- Q Did she go down before that court? A Not to my knowledge.
- Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
- Q Was Bob Daniels Chief Justice of that court? A Yes sir.
- Q Just a few years after the war? A Yes sir.
- Q In '71 wasn't it? A Yes sir.
- Q Was any action taken in that court? A I don't know.
- Q You were there yourself? A No sir.
- Q You were about 15 or 16 years old when you come back? A Yes sir I guess so, I don't exactly know how old I was.
- Q You were not married then? A No sir.
- Q How long after you got back before you married? A Not very long after I got back.
- Q Did you marry on your way down here? A No sir.
- Q How long had you been here before you married? A I have been married twice.
- Q How long had you been here before you married the first time? A Not very long.
- Q As much as a year? A May be so.
- Q Is that your best judgment? A My best judgment is perhaps that it was that long.
- Q When were you married to your present wife? A Upwards of 30 years, or so.
- Q How long did you live with your first wife? A Not very long, she died.
- Q A Year? A Perhaps it was, maybe a little longer.
- Q Then you married your present wife? A Yes sir.
- Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
- Q The first time? A Yes sir.
- Q Who came with you? A Several were on horse-back it is beyond my knowledge how many there were.
- Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
- Q Did you come in August? A Yes sir.
- Q Who came with you then? A Some of this family, Peter Meigs and got his place; the heads of these families.
- Q Who else came with you? A My brother Dan and the Whitmires.
- Q Which ones? A Several.
- Q Which ones? A Mose and Bennis, and the Webbers.
- Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I don't know who else, I don't know who all come.
- Q Who come when you come in October? A I don't know who all come then, so a of that same crowd and some more come in October.
- Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
- Q What was his first name? A Old man Gasser Smith.
- Q You come in both of the detachments yourself? A No sir.
- Q Which one did you come in? A I come in August.
- Q You didn't come in October then? A Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
- Q On Big Creek? A Yes sir.
- Q Where Mrs. Meigs lives? A Yes sir.
- Q And you returned in October, how long did you stay in October?

A We didn't all return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.

Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.

Q What time in the winter? A Long in January.

Q You mean in '67. A No in the winter of '66.

Q Is you come here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of '66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.

Q What was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possibly can remember of who came with you in the January of February following?

A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.

Q I dont mean only of that family, there were other families were there not? A Old man Billie Foreman.

Q Who else? A He had several children.

Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.

Q Were any of the Webbers along? A Yes sir.

Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I had forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.

Q Did his son Sam come? A Yes sir.

By W. W. Hastings:

Q Dont you remember anyone else? A Rachel Webber.

Q Do you think of anyone else? A No sir.

Q You know that is was a mooted question before the Kerns Blifton Commission as to whom came at this time and us to when you came? A I havent been interested as to anyone except for myself.

Q You know that there is a question about who came dont you? A Yes sir I guess I do.

Q You say you came to Big Creek? A Yes sir.

Q Did you come by the way of Ochetopa? A Yes sir I guess that we did, I dont know that they called it Ochetopa then, there was a house or so there.

Q Did you cross the river there? A What river.

Q Neosho? A No sir.

Q You didn't cross at the Giletrap ferry? A No sir we crossed 20 or 30 miles from there.

Q You came through what is Ochetopa and come on west through the prairie? A We may have.

Q You were in wagons? A Yes sir.

Q Were there any persons living on any of that country from Ochetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of anyone living there before that.

Q Were there any houses there except those that your crowd built?

A I dont know of any houses, but there were foundations for them at Big Creek.

Q Then the houses were not built before you moved there with your

families? A Yes sir some were, there were logs on some up 8 or 10 logs high.

Q Then there were none really completed until you moved there with your families? A No sir.

Q Did you make a crop there the first year that you moved there?

A Yes sir, as near as we could with one horse plow and hoes.

Q Do you know Jim Martin? A Yes sir.

Q How far does he live from you now? A 4, 5 or 6 miles.

Q Was he living there when you people moved there? A No sir.

Q He had a brother named William Martin? A Yes sir.

Q Was he living out there then? A No sir.

Q There was an old man by the name of Carter living out there then, wasn't there? A No sir. There was an old man named Carter living 20 miles perhaps from there quite a while after we came there.

Q Was his name Jack Carter? A I think it was.

Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He came some time after.

Q Do you know if that ferry back you crossed the Neosho river was called Ellipton ferry? A No sir we never crossed on Ellipton ferry.

Q There was no farms made there when you passed through - no citizens had farms up there? A No sir none that I saw.

By the Commission.

Q You stated, I believe, that was the first time that you came to the Cherokee Nation after the Civil war closed was in August of '65?

A Yes sir.

Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was then for us to come.

Q You didn't bring your families with you then? A Only part of them and some things that we had.

A Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Neige family, not all of this man's boys, but the old man Neige, Peter Neige.

Q You didn't bring your family with you at that time did you?

A No sir.

Q Did Peter Neige bring any family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Neige go back to Kansas? A I think with my father.

Q You came yourself in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Neige go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q Then you returned to the Cherokee Nation again in October?

A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir not all of them came in October.

Q Where was Peter Neige in October? A He came with us at each trip.

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October?

A Yes sir.

Q Did Peter Neige come back with you to the Cherokee Nation in October? A Yes sir.

Q That made the second time that Peter Neige had been there?

A Yes sir.

Q Where was Peter Neige in Christmas of '65, or you know? A No sir I don't exactly know where he was in Christmas of '65.

Q When Peter Neige got back to the Cherokee Nation with his family

- did he settle in the Cherokee Nation near your family? A Yes sir.
- Q How far apart? A Two or three hundred yards apart.
- Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.
- Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.
- Q You state here then? A Yes sir.
- Q When did you come? A In the winter.
- Q Was it in February? A Must have been in December.
- Q What about that February trip you spoke of? A It was in the winter same time. Snow was on the ground.
- Q Did your father come at that trip? A Yes sir.
- Q Your mother? A Yes sir.
- Q Peter Meigs? A Yes sir.
- Q His wife? A Yes sir.
- Q That was your third trip? A Yes sir.
- Q Was that your last trip? A Yes sir.
- Q When did your wife Alice come? A Come then.
- Q On that third trip? A Yes sir.
- Q You say Peter Meigs made all three trips with you? A Yes sir.
- Q Every time you came he came? A Yes sir.
- Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
- Q Did he go there by himself? A No sir.
- Q Do you remember distinctly that you came here in August the first time? A Yes sir.
- Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.
- Q Do you remember distinctly that he came with his family when you made your third and last trip? A Yes sir.
- QQ With his family? A Yes sir.

By Com'r Blackridge: The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1857 until she was liberated by the Civil War. She is identified on the Kersh-cliffen roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1890. The testimony indicates that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1860, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicates that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Cherokee Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to take further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment as a Cherokee and the final



decision of the Commission will be made known to her at her postoffice address.

Chas. von Seize, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reports in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Seize.

Subscribed and sworn to before me this 26th day of May, 1901, at Chelsea, I. T.

Signed, F. S. Goodlan,  
Commissioner.

Supplemental:

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Wash. D. C., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman.

REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.

Q How old are you? A I am only about 30 years.

Q You gave testimony just now in the case of Elizabeth Meigs?

A Yes sir.

Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1887, when we made the last move, about the first of the month. It was the following August in 1888 we had been here in August you know, in '88 and in October, and we made the last move in '87, January, and I put it down February & I think I wanted to say January.

Q How did you find out how it was January instead of February?

A It was just after Christmas that we was on the road coming down.

Q How long after Christmas? A Perhaps a week after Christmas. My reason for stating this is this, along Christmas - a few days before Christmas there was a man got killed named Bayford, and there was a gentleman killed him, a colored man killed that man Bayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed up, thinking he was with us, in our crowd, that was just the following - a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. S. Hastings.

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 30 years old; something in that line.

Q Where did you say that killing took place? A In Kansas.

Q Fort Scott? A Yes sir.

Q And the man that was accused of the killing was named Mackey?

A Named Mackey.

Q You remember his first name? A No.

Q You remember the man who was killed, you see his first name?

A No sir I do not.

Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. As I can't know nothing about that part of it.

Q You know what county Ft. Scott is in? A No sir.  
Q Who called your attention to this error? A I thought so myself;  
I called my own attention to it; I was studying over it; I did.  
Q You know now it was only a few days after Christmas? A Yes sir,  
a few days after Christmas.

Com'r Breckinridge: This statement will be filed as  
supplemental in the Elizabeth Meigs case, to be considered in  
connection with the former statement of the witness, and the  
other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he correctly recorded  
the testimony and proceedings in this case and that the foregoing is  
a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,

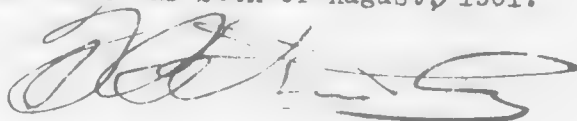
Subscribed and sworn to before me this May 23, 1901.

Signed, C. R. Breckinridge,  
Commissioner.

-----  
Bruce C. Jones, being duly sworn, says that as stenographer to  
the Commission to the Five Civilized Tribes he copied the foregoing,  
and the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 20th of August, 1901.



Commissioner.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 23, 1901.

In the matter of the application of Wesley Webber for enrollment as a Cherokee Freedman.

Wesley Webber, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your name? A Wesley Webber.  
Q How old are you? A 23.  
Q What is your post office? A Wimer, Ind. Ter.  
Q In what district do you live? A Cooweescoowee.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Do you want to apply for anybody besides yourself? A No, sir.  
Q How long have you lived in the Cherokee Nation? A All my days.  
Q Give me the name of your father? A Ellis Webber.  
Q Is he alive? A Yes, sir.  
Q Give me the name of your mother? A Hattie Webber.  
Q Is she alive? A Yes, sir.  
The 1880 authenticated roll of Cherokee Freedmen examined and applicant not identified thereon.  
The 1896 census roll of Cherokee Freedmen examined and applicant not identified thereon.  
Q Did you draw strip money? A Yes, sir.  
The Kerns-Clifton roll examined and the applicant identified thereon, page 128, No. 3197, Cooweescoowee district, as West Webber.  
The Wallace roll examined and the applicant identified thereon, page 150, No. 3126, Cooweescoowee district.

Commissioner: The applicant claims to have lived in the Cherokee Nation all his life. He is identified upon the Wallace and Kerns-Clifton rolls, but not upon the roll of 1880 or upon that of 1896. He is 23 years of age. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card for the further consideration of his case, and for additional testimony therein, reference is made to the case of his father and mother, Ellis and Harriett Webber, and a set of the testimony in their case will be filed with that of the applicant. When a final decision is reached, the applicant will be informed of the result at his post office address.

\*\*\*\*\*

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 27th of May, 1901.

*W. Breckinridge*

Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 23, 1901.

In the matter of the application of Harriet Webber for the enrollment of herself, one child and one adopted child, as Cherokee Freedmen, being sworn and examined by Commissioner Breckinridge, she testified as follows:

- Q You have been sworn; give your name? A Harriet Webber.  
Q How old are you? A About 40, I guess.  
Q What is your postoffice? A Vinita.  
Q In what district do you live? A Coconawocowas.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Do you want to apply for anybody besides yourself? A Yes sir.  
Q Have you a husband you want to apply for? A No sir, I am a widow with two children.  
Q Just yourself and two children? A Yes, sir, two children under age.  
Q And that is all? A Yes sir.  
Q How long have you lived in the Cherokee Nation? A Near about all my life.  
Q Were you born in the Cherokee Nation? A Yes sir.  
Q Have you ever lived anywhere else? A Yes sir.  
Q Where have you lived? A Went to Kansas.  
Q During the war? A Yes sir.  
Q When do you claim to have come back from Kansas? A In '66.  
Q With the exception of that absence, do you claim to have lived in the Cherokee Nation all your life? A All my life, yes sir.  
Q Give me the name of your father? A Peter Meigs.  
Q Is Peter Meigs dead? A Yes sir.  
Q Give me the name of your mother? A Elizabeth Meigs.  
Q She is alive is she? A Yes sir.  
Q Is she the old lady who applied yesterday? A Yes sir.  
Q How many times have you been married? A Twice.  
Q How long since you married the first time? A About 27 years.  
Q To whom were you married then? A Ellis Webber.  
Q Is she dead? A No sir.  
Q Is he a Cherokee Freedman? A Yes sir.  
Q How long did you and he live together? A About 10 years.  
Q And then you parted, did you? A Yes sir.  
Q Did you get a divorce from him? A No sir.  
Q How long since you married your second husband? A About four or five years.  
Q Give me his name? A Jesse Roe.  
Q Is he alive? A Yes sir.  
Q Have you and he parted? A Yes sir.  
Q How long did you live with Jesse Roe? A A year I guess.  
Q Is he a Cherokee Freedman? A Yes sir.  
Q Give me the names of your children? A Millie May Webber.  
Q How old is that child? A About 15 years old.  
Q Give me the name of the next child? A Hattie Webber.  
Q How old is Hattie? A 3 years old.  
Q You call her Webber too do you? A Yes sir.  
Q Are these children both living now? A Yes sir.  
Q Who is there here who knows that you were married to Webber? A My brother here.

George Meigs, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give your full name? A George Meigs.  
Q How old are you? A About 40, I guess.  
Q What is your postoffice? A Vinita.  
Q What are you to the applicant here? A Brother.

Q How many times has she been married? A Twice.  
Q What was the name of her first husband? A Ellis Webber.  
Q And of her second husband? A Jesse Roe.  
Q Was she ever married except to these two men? A No sir.  
Q How many children has she? A Well, she will have to count them.  
Q I mean how many that are under 21? A Well just two.  
Q What are their names? A Millie is the oldest one, and the other one is Hattie.

Applicant: Grand-child.  
Q Hattie is her grand-child? A Yes sir.

Applicant, HARRIET WEBBER, re-called and further examined;  
By Commissioner Breckinridge:

Q Isn't Hattie's mother living? A Yes sir.  
Q Well, the mother must apply for her? A She was adopted in my family; she was give to me from her birth.  
Q Give me the name of Hattie's mother? Hattie's mother is your child isn't she? A No sir, Jesse Roe's daughter; my last husband's daughter; his daughter's child.  
Q Well, give me the name of Hattie's mother? A Missie Roe.  
Q How old is Missie Roe? A I couldn't tell you.  
Q Is she a young woman? A Yes sir, she is about 18 years old.  
Q How long has she lived in the Cherokee Nation? A All her life.  
Q She is a child of Jesse Roe you say? A Yes sir.  
Q About how old is Jesse Roe? A I couldn't tell you.  
Q Is he as old as you? A Older than I am.  
Q Now give me the name of Missie Roe's mother? A Her name was Lizzie Roe.  
Q Is she dead or alive? A She is dead.  
Q How long has she been dead? A Oh I don't know how long she has been dead.  
Q Long time, has she? A Yes sir.  
Q What was Lizzie Roe's name before she was married? A I couldn't tell you; I wasn't acquainted with her before that.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant, and name not found;

1896 census roll of citizens of the Cherokee Nation examined for applicants and names not found;

Kern-Clifton roll of citizens of the Cherokee Nation examined and applicants identified as follows:

Page 128 #3196 Harriet Webber, Cooweescoowee District;

page 128 #3199 Millie Webber, Cooweescoowee District;

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined for Missie Roe, and not found.

1896 census roll of citizens of the Cherokee Nation examined for Missie Roe and not found;

Wallace roll of citizens of the Cherokee Nation examined for Missie Roe, and not found;

Wallace roll of citizens of the Cherokee Nation examined for applicant and identified as follows:

Page 150 #5124, Harriet Webber, Cooweescoowee District.

Wallace roll of citizens of the Cherokee Nation examined for Millie Webber and name not found.

Wallace roll of citizens of the Cherokee Nation examined for Ellis Webber, and found on

Page 150 #5134 Ellis Webber, Cooweescoowee District.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined for Ellis Webber and name not found;

1880 authenticated roll of citizens of the Cherokee Nation examined for Ellis Webber and not found;

1896 census roll of citizens of the Cherokee Nation examined for Ellis Webber, and not found.

Q Was Ellis Webber ever married before he married you? A No sir.

not as I know of.

Q Were you ever married before you married him? A No sir.

Witness, GEORGE MEISS, re-called, and further examined:  
By Commissioner Breckinridge:

Q Do you know whether Ellis was ever married before or not?

A No sir, he wasn't.

Applicant, HARRIETT WEBBER, re-called, and further examined:  
By Commissioner Breckinridge:

Q Have you ever got a divorce from Jesse Roe? A No sir.

Q You want this child enrolled as Hattie Webber, do you? A Yes sir.

Commissioner Breckinridge: The applicant applies for the enrollment of herself, one child and an adopted child; she makes no application for a husband; she has been separated from both of her former husbands; the applicant is identified on the Wallace roll and the Kern-Clifton roll, but not upon the roll of 1880 or upon that of 1898; she claims to have lived in the Cherokee Nation all her life, except an absence during and immediately after the Civil War; her change of name arising from marriage is established by satisfactory testimony; she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and for further testimony in this case there will be filed the evidence in the case of her mother, Elizabeth Meigs, whose application was taken on yesterday; the applicant's child, Millie May Webber, is said to be living at this time, and to be 15 years of age; this child is identified on the Kern-Clifton roll; it is shown that the applicant and this child's father were united in lawful marriage, and the child's father, Ellis Webber, who is still living, but from whom the applicant was separated some 10 years ago, and from whom she has never procured a divorce, is identified on the Wallace roll, and none other; in addition, therefore, to the claim this child may have through its mother, there is a possible claim through its father, and when he applies for enrollment reference should be made to his case, if necessary, to finally determine the status of this child, which will now be listed for enrollment as a Cherokee Freedman on a doubtful card;

As for the grandchild for whom the applicant applies, it is only a grand-child by law, it being the grand-child of her second husband, Jesse Roe, with whom she lived about one year after her marriage some four or five years ago, and after that period of married life that parted; Jesse Roe is said to be still living; Jesse Roe's daughter who is said to be the mother of this child, Missie Roe by name, is still living; she is not identified upon the 1898 roll or upon the Kern-Clifton roll, nor is she identified upon the Wallace roll; this child last in question, Hattie Webber, as she is now called, is 3 years of age, and consequently is too young to be upon any roll; nothing is found at this time to indicate the right of this child to enrollment, but at a later period some status may be developed through the application of the child's mother, Missie Roe, and its grandfather, Jesse Roe; at the present, therefore, the child will be placed upon a doubtful card as a Cherokee Freedman, and the applicant is desired to file with the commission a birth certificate of its birth.

H. D. Green, being first duly sworn, states that as stated before to the Commission to the Five Civilized Tribes he correctly recorded



the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,

Subscribed and sworn to before me this May 24, 1901.

Signed, C. W. Greckinridge,  
Commissioner.

\*\*\*\*\*  
Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the same is a true and correct copy from the original.

*Bruce G. Jones*

Sworn to and subscribed before me this 1st day of August, 1901.

*M. D. Green*  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I.T., June 26, 1901.

In the matter of the application of Ellis Webber for the enrollment of himself as a Cherokee Freedman: being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Ellis Webber.  
Q What is your postoffice? A Centralia.  
Q What district do you live in? A Cooweescoowee.  
Q How old are you? A About 42 or 3.  
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Who do you want to enroll besides yourself? A My wife took them all I guess.  
Q Nobody besides yourself? A That's all, myself, she has got the rest.  
Q You and her living together? A Yes sir.  
Q Why didn't you apply for the enrollment of the whole family yourself? A I ought to have done it, but she went in ahead of me.  
Q Is your name on the roll of 1880? A Yes sir.  
Q Is it on any of the rolls of the Cherokee Nation? A Yes sir.  
Q What rolls? A Clifton and Kern roll and Wallace roll.  
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon;  
Kern-Clifton pay roll of citizens of the Cherokee Nation, examined and applicant identified on  
page 140 #3475 Ellis Webber, Cooweescoowee District;  
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on  
page 150 #3134 Ellis Webber, Cooweescoowee District.  
Q What was your father's name? A I don't know sir.  
Q What was your mother's name? A Becky Webber.  
Q Is she living? A Yes sir.  
Q Is her name on the roll of 1880? A No sir.  
Q Were you a slave? A Yes sir.  
Q To whom did you belong? A Robin Webber.  
Q Was he a Cherokee? A Yes sir.  
Q Were you taken out of the Cherokee Nation during the Civil war? A Yes sir.  
Q Where to? A Ft. Scott, Kansas.  
Q Your mother with you? A Yes sir.  
Q When did you return? A In the fall of '68.  
Q Been living here continuously ever since? A Yes sir.  
Q Did you return with your mother? A Yes sir.  
Q How old was you about that time? A I don't know sir, I was a pretty good sized boy.  
Q You have been living in the Cherokee Nation ever since that time? A Yes sir.  
By Mr. Davenport: Cherokee Rep'v:  
Q Where were you living when you could first recollect?  
A On Big Creek.  
Q With whom were you living? A Uncle Sam Webber.  
Q You can't remember where you went in Kansas during the war?  
A Went to Ft. Scott.  
Q How old were you then? A I don't know age.  
Q How big was you? A I must have been a pretty good sized boy about that high (indicating).  
Q 10 or 12 years old? A Yes sir.  
Q Who did you come back to the Cherokee Nation with? A Uncle Sam Webber.  
Q Any one else? A There was a whole lot more.  
Q Did Nelson Murrell come back with you? A Yes sir, Nelson Murrell and Jack Starn.



Q Caesar Smith did he come back with you? A Yes sir.  
 Q Who else? A Peter Meigs.  
 Q Now your father and mother, did they come back at the same time you came? A I never had no father, I don't know my father.  
 Q That was your wife who just enrolled, Rebecca Webber? A Yes sir.  
 Q She is not the Rebecca Webber you came back with after the war?  
 A She was a girl, yes sir.  
 Q She was a Webber at that time? A No sir.  
 Q Your mother was named Rebecca Webber wasn't she? A Yes sir.  
 Q Where have you lived since you were gornw Ellis? A Lives on Cedar Creek.  
 Q Lived anywhere else in the Cherokee Nation? A No sir.  
 Q Now on the 1880 roll? A No sir.  
 Q When did you and Rebecca Webber marry? A It has been about 10 or 12 years.  
 Q Where were you married? A On Big Creek. Sam Webber's house.

SAM WEBBER, being sworn and examined by Com'r Needles, testified as follows:  
 Com'r: This is Sam Webber, how old are you Mr. Webber? A About 58.  
 Q Your postoffice address is Nowata? A Nowata.  
 Q You know the applicant, Ellis Webber? A Yes sir.  
 Q How long have you known him? A I have known him way before the war when we were boys.  
 Q Was he a slave? A Yes sir.  
 Q To whom did he belong? A Robin Webber, my mistress' son.  
 Q Did you know his mother, Rebecca? A Yes sir.  
 Q Did she belong to Robin? A Yes sir.  
 Q Was Ellis Webber taken out of the Cherokee Nation during the war?  
 A Yes sir.  
 Q Where to? A Kansas.  
 Q You know when he returned to the Cherokee Nation? A Yes sir.  
 Q When? A He come with us in the fall of '66.  
 Q Has he been living here continuously since that time? A I never saw him nowhere else but right in here.  
 Q His owner was a Cherokee citizen? A Yes sir, Cherokee.  
 Q Did his mother come with him when he came? A Yes sir.

By Mr. Davenport:  
 Q Where did Robin Webber live at the breaking out of the war?  
 A Lived on Caney out west of Tahlequah, right out the other way from Tahlequah.  
 Q You and Ellis Webber's mother belonged to the same parties did you, at the breaking out of the war? A My old mistress was his master's mother.  
 Q Did they go to Kansas with you? A No sir, they come up there afterwards.  
 Q How many children did Rebecca Webber have when she came back to the Cherokee Nation after the war? A She brought three with her.  
 Q You know their names? A Ellis, Lewis and Lydia.  
 Q They come back to the Cherokee Nation as you did? A Yes sir.

NELSON MURRELL, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Nelson Murrell.  
 Q What is your age? A 77.  
 Q What is your postoffice? A Coffeyville.  
 Q You know Ellis Webber, the applicant? A Yes sir.  
 Q How long have you known him? A All his life.  
 Q Was he a slave in slave days? A Yes sir.  
 Q Did he belong to? A Robin Webber.  
 Q Was Robin Webber a Cherokee?

- A Yes sir.
- Q Where was Ellis born? A In Illinois District.
- Q Was he taken out of the Cherokee Nation during the Civil war?
- A I suppose he was, he went out, I saw him time the war was going on.
- Q Where? A Baxter Springs, Kansas.
- Q When did he return after the war? A I can't tell that.
- Q When did you first see him after the war? A I saw him along about '70.
- Q That is the first time you saw him after the war? A Yes sir.
- Q Has he been living in the Cherokee Nation ever since that time?
- A Ever since.
- By Mr. Havensport:
- Q You say he was born in Illinois District? A Yes sir.
- Q What point? A On Caney.
- Q Is Caney in Illinois District? A I suppose it is.
- Q Do you know? A I don't know exactly where the line is.
- Q Do you know where he was living when the war broke out? A Yes sir, over on Caney.
- Q How far were you living from them? A About 6 or 7 miles.
- Q You don't know where they went? A No sir, I saw them at Baxter Springs.
- Q Next time you saw them after the war was in '70? A Yes sir.

Com'r Needles: Ellis Webber applies for the enrollment of himself; he avers that he is the son of Rebecca Webber, who has been listed for enrollment as a Cherokee Freedman; he was a slave and belonged to one Robin Webber; he was born in the Cherokee Nation and taken out of the Cherokee Nation during the war and returned in '66; he cannot be identified upon any of the rolls of the Cherokee Nation, except the Kern-Clifton and Wallace roll; he is duly identified upon them according to page and number of the roll; he makes satisfactory proof as to residence, and will now be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting the further consideration of the Commission; he will be notified by mail of the action of the Commission in the premises.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this July 8, 1901.

Signed, T. B. Needles,  
Commissioner.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the same is a true and correct copy from the original.

*Bruce C. Jones*

Sworn to and subscribed before me this 2nd of August, 1901.

*M. D. Green*  
Notary Public.

File with Cherokee Freedman D-400, Wesley Webber.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony in behalf of the applicant.

Assurances:

L. T. Brown, agent for applicants;

L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.

Q What is your age? A About 50.

Q What is your postoffice address? A Centralia.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1886?

A I think it does.

Q You know Elizabeth Meigs and George Meigs? A Yes, sir.

Q What relation is George Meigs to Elizabeth Meigs? A Her son.

Q Did you know Peter Meigs during his life time? A Yes, sir.

Q Do you know whether Peter Meigs, Elizabeth Meigs and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.

Q When did they return to the Cherokee Nation? A They came in '66.

Q With whom did they return? A They came with me and my father and the Webbers.

Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.

Q What time of the year? A First of December.

Q That was the first time? A Yes, sir.

Q When did you make your second trip? A Along in first part of January.

Q That was January, 1867? A Yes, sir.

Q Now which one of these trips was it that Peter and his family came with you? A They came both times.

Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.

Q Peter came with you alone the first time? A Yes, sir.

Q Then the second time he brought his family? A Yes, sir.

Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.

Q Then was his children? A Then was his children.

Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-395, D-396, D-401, D-402, D-404, D-407, D-775.

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 27th day of November, 1901.

Commissioner

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Vinita, I.T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al, for  
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances.

1. J. Brown, agent for the applicant.

2. S. Davenport, of counsel for Cherokee Nation.

J. T. Brown: I would like to have the record show that  
sometime next week the applicant intends to introduce as wit-  
nesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders,  
and Sam Webber, for the purpose of showing that all the appli-  
cants in this case returned to the Cherokee Nation during the  
time prescribed by the Ninth Article of the Treaty of 1866.

Commissioner Needles: Haven't that already been shown?

J. T. Brown: And that they have had a continuous resi-  
dence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, tes-  
tified as follows:

Mr. Davenport: What is your name? A. Robert Meigs.

Q. Where do you live? A. I live five miles southwest of Tahlequah.

Q. What is your postoffice? A. Park Hill is my postoffice.

Q. How old are you? A. I am 56 my next birthday.

Q. How long have you lived in the Cherokee Nation? A. I have lived  
here all my life except a little while time of the war, from '64 to  
'66.

Q. Did your people own any slaves before the war? A. Yes sir.

Q. Do you know whether they owned a woman by the name of Elizabeth?

A. No, sir.

Q. Do you know whether or not they owned her mother, or anybody of  
the family? A. Elizabeth, no, sir.

Q. Well, did you know Peter Meigs? A. Yes, sir.

Q. Do you know what his wife's name was when the war broke out?

A. Betty they called her.

Q. Well, was she living, Betty, at the time the war broke out?

A. Yes, sir.

Q. Well, did you ever know her by any other name than Betty?

A. Bettie.

Q. Where was Peter Meigs and his family at the breaking out of the  
war? A. Well Peter was with us at home at the breaking out, but he  
and his wife was up there somewhere near the Dutch Mills on the  
Arkansas line.

Q. Well I wish you would look at that woman there and see if she  
is the woman you knew as Betty or Bettie or whatever you knew her by  
(indicating applicant). A. Yes, I think that is the one, I have never  
seen her but once.

Q. That is since the war? A. I just saw her once in my life and  
that was time of the war, after the war.

Q. Did you ever see Peter Meigs and his family after the war? A. Yes,  
sir, saw Uncle Peter.

Q. What year was that? A. Sometime after '71.

Q. What were the circumstances as to your seeing him or meeting him?

A. That he had come down to Council to see about fixing up his  
rights, and he came down to visit my brother John, so we were right  
together, and I went up there to see him.

Q. Did you have a conversation with him or did he have a conver-  
sation with your brother John in your hearing where he and his wife  
were present in regard to his right or when he returned? A. Yes, sir.



Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Neige, for the reason that Peter Neige is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning. He said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all. I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime. I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Neige? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late; is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-275, and the sub-references.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

*Bruce C. Jones*

Sworn to and subscribed before me this the 7th of November, 1901.

*[Signature]*

Commissioner.

COPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al., for  
enrollment as Cherokee Freedmen, consolidating the applications of

Joe Ross,.....	Cherokee Freedmen D-380
Galera Grayson, et al.,.....	Cherokee Freedmen D-494
Aaron Webber,.....	Cherokee Freedmen D-514
Elizabeth Meigs,.....	Cherokee Freedmen D-392
George Meigs, Sr., et al.,.....	Cherokee Freedmen D-394
John Meigs,.....	Cherokee Freedmen D-396
Flemings Meigs,.....	Cherokee Freedmen D-398
Irene Hanks, et al.,.....	Cherokee Freedmen D-402
Nattie Carrell, et al.,.....	Cherokee Freedmen D-403
Andrew Alberty, et al.,.....	Cherokee Freedmen D-404
Harriett Webber, et al.,.....	Cherokee Freedmen D-407
Moses Webber,.....	Cherokee Freedmen D-408
Wesley Webber,.....	Cherokee Freedmen D-409
Edward E. Webber,.....	Cherokee Freedmen D-410
Samuel Beck, et al.,.....	Cherokee Freedmen D-528
Edward Wright,.....	Cherokee Freedmen D-518
John Wright,.....	Cherokee Freedmen D-534

**D E C I S I O N.**

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Joe Ross, for himself; by Joe Ross, for his sister, Galera Grayson, and her minor child, Gertrude; by Aaron Webber, for himself; by Elizabeth Meigs, for herself; by George Meigs, Sr., for himself, his wife, Matilda Meigs, and minor son, George Meigs, Jr., (Matilda Meigs is differently classified and is not embraced in this decision); by John Meigs, for himself; by Flemings Meigs, for himself; by Irene Hanks, for herself and minor child, George Hanks; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Flenon Hanks; by Nattie Carrell, for herself, her sister, Katie Meigs, and brothers, Nathan and Henry T. Meigs; by Elizabeth Alberty, for herself, her husband, Andrew Alberty, and minor children Nattie, Charity, Mollie, Ben and Bolly Alberty; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Ed Alberty; by Harriett Webber, for herself and minor child, Millie E., and her ward, Nattie Webber; by Moses Webber for himself; by Wesley Webber, for himself; by Edward E. Webber, for himself; by Samuel Beck, for himself, his wife, Mary Beck, and minor child, Inquittie; by Edward Wright, for himself; and by John Wright, for himself.



The evidence shows that Joe Ross, one Peter Meigs, now deceased, husband of Elizabeth Meigs, Moses Webber, Sr., father of Aaron Webber, George Meigs, Sr., Chlera Grayson, Samuel Beck and Andrew Alberty, were slaves of Cherokee citizens at the commencement of the War of the Rebellion; and that during said War they left the Cherokee Nation.

Said Joe Ross, Peter Meigs and Moses Webber, Sr., returned to the Cherokee Nation in the fall of 1866, and located a claim on the public domain of the Cherokee Nation; they then went back to Kansas for their wives and families, and returned with them to said Nation in February or March, 1867.

Elizabeth Alberty, wife of Andrew Alberty, Mary Beck, wife of Samuel Beck, and Harriett Webber, are children of said Elizabeth and Peter Meigs, and, with the exception of the said Elizabeth Alberty, who has been born since 1866, were minors at the time of their parents' return to the Cherokee Nation. The said Elizabeth Alberty desires to be enrolled as Lizzie Alberty. Moses Webber, Wesley Webber and Edward E. Webber are children of said Harriett Webber, and have all been born since 1866.

George Meigs, Sr., returned with his father and mother to the Cherokee Nation in February or March, 1867, and was of age at that time.

John Meigs, Fleming Meigs and Irene Hanks have been born since 1866, and are children of, and claim right to enrollment through, the said George Meigs, Sr. The names of the said George Meigs, Sr., John Meigs, Fleming Meigs and Irene Hanks, are not found on the 1880 authenticated roll of the Cherokee Nation.

Chlera Grayson returned to the Cherokee Nation with her brother, Joe Ross, in February or March, 1867. She was then married and not a member of the family of Joe Ross, at the time of his return to the Cherokee Nation. Her name is not found on the 1880 authenticated roll of the Cherokee Nation. Her minor child, Gertrude, takes only such rights as are possessed by her mother.

Samuel Beck did not return to and establish his residence in the Cherokee Nation until after January 19, 1867. His name is not found on the 1880 authenticated roll of the Cherokee Nation.

Andrew Alberty returned to the Cherokee Nation and established a residence therein in 1866.

Hattie Carrell, Katie Meigs, Nathan Meigs and Henry T. Meigs, have been born since 1866, and are the children of one Simon Meigs, and claim their right to enrollment through him. The evidence does not show that the said Simon Meigs was the slave of a Cherokee citizen, or free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion, who was residing therein on July 19, 1866, or within six months thereafter. The names of the said Simon Meigs, Hattie Carrell, and Nathan and Henry T. Meigs, are not found on the 1880 authenticated roll of the Cherokee Nation.

Aaron Webber has been born since 1866, and is the son of Moses Webber, Sr., who is identified on the 1880 authenticated roll of the Cherokee Nation as adopted colored. It is presumed from this enrollment that the Cherokee Nation recognized that Moses Webber, Sr., complied with the terms of the treaty of 1866. Edward Wright is the step-son of said Moses Webber, Sr., and was a minor and a member of the family of said Moses Webber, Sr., when he returned with them to the Cherokee Nation in February or March, 1867. John Wright is the son of Edward Wright, and takes the status of his father.

Hattie Webber, included in the application of said Harriett Webber, is the daughter of Jesse and Missie Roe. The evidence does not show that the said Jesse or Missie Roe, or any of their ancestors, were ever slaves of Cherokee citizens, or free colored persons residing in the Cherokee Nation at the beginning of the War of the Rebellion. The names of said Harriett Webber, Jesse Roe and Missie Roe are not found on the 1880 authenticated roll of the Cherokee Nation.

The evidence further shows that Joe Ross, Elizabeth Meigs, Andrew Alberty, Mary Beck, Harriett Webber and Edward Wright have resided in the Cherokee Nation continuously since their return thereto, as above mentioned; that all the applicants herein, born since 1846, have resided in the Cherokee Nation continuously since birth.

It is, therefore, the opinion of this Commission, that Aaron Webber, having been born since 1846, should be enrolled as a Cherokee Freedman, and that Joe Ross, Elizabeth Meigs, Andrew Alberty, Linzie Alberty, Hattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dolly Alberty, Ned Alberty, Harriett Webber, Millie W. Webber, Moses Webber, Wesley Webber, Edward N. Webber, Mary Beck, Luquittie Beck, Edward Wright and John Wright should also be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 496); it is further the opinion of this Commission that the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John Meigs, Fleming Meigs, Hattie Carroll, Katie Meigs, Nathan Meigs, Henry T. Meigs, Irene Hanks, George Hanks, Vernon Hanks, Clara Grayson, Gertrude Grayson, Hattie Webber and Samuel Beck, should be denied, under the provisions of said Section twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tamie Dixon

T. B. Needles.

C. T. Brookhouser.

W. E. Stanley.

Muskogee, Indian Territory,

this JUL 10 1903

C. M. McR.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al.,  
for enrollment as Cherokee Freedmen, consolidating the applica-  
tions of ---

Joe Ross,	Cherokee Freedmen D-350,
Chlera Grayson, et al.,	Cherokee Freedmen D-496,
Aaron Webber	Cherokee Freedmen D-816,
Elizabeth Meigs	Cherokee Freedmen D-391,
George Meigs, Sr., et al.,	Cherokee Freedmen D-394,
John Meigs,	Cherokee Freedmen D-396,
Flemings Meigs,	Cherokee Freedmen D-398,
Irene Hanks, et al.,	Cherokee Freedmen D-401,
Hattie Carell, et al.,	Cherokee Freedmen D-402,
Andrew Alberty, et al.,	Cherokee Freedmen D-404,
Harriet Webber et al.,	Cherokee Freedmen D-407,
Moses Webber,	Cherokee Freedmen D-408,
Wesley Webber,	Cherokee Freedmen D-409,
Edward H. Webber	Cherokee Freedmen D-410,
Samuel Beck, et al.,	Cherokee Freedmen D-775,
Edward Derrick	Cherokee Freedmen D-818,
John Wright,	Cherokee Freedmen D-834.

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Joe Ross for himself; by Joe Ross for his sister, Chlera Grayson and her minor grandchild, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Meigs for herself; by George Meigs, Sr., for himself, his wife Matilda Meigs, and his minor son, George Meigs, Jr., (the said Matilda Meigs, being differently classified, is not embraced in this decision); by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor son, George Hanks; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Fleming Hanks; by Hattie Carell for herself, her sister, Katie Meigs, and her brothers, Nathan and Henry T. Meigs; by Elizabeth Alberty for herself, her husband Andrew Alberty, and her minor children, Hattie, Charity, Nellie, Sam and Dollie Alberty; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriet Webber for herself and minor child, Millie M. Webber, and minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward H.

Webber for himself; by Samuel Beck for himself, his wife Mary, and his minor child, Luquittie Beck; by Edward Wright for himself; and by John Wright for himself.

On July 10, 1903, the Commission rendered its decision in this consolidated case, which was forwarded to the Department for its consideration, and on August 31, 1903, the Commission requested that the record relative to the application of Chlera Grayson et al., party applicants in this consolidated case, be returned for reconsideration, and on Oct. 3, 1903, the Department complied with said request of the Commission and returned said record and decision. On June 17, 1904, further proceedings were had in the matter of the application for the enrollment of Chlera Grayson, et al.

The record herein shows that on April 1, 1902, the Commission received a letter from the applicant in Cherokee Freedmen D-404, heretofore listed for enrollment as Elizabeth Alberty, wherein she states that she desires to be enrolled as Lizzie Alberty, and she will accordingly be considered in this decision under the last mentioned name. On June 6, 1904, the applicant in Cherokee Freedmen D 818, appeared before the Commission at Tahlequah, Indian Territory, and testified that his correct name was Edward Derrick, under which name he will be considered in this decision.

The evidence shows that Joe Ross, Chlera Grayson, Aaron Webber, Elizabeth Meigs, Peter Meigs, now deceased, husband of Elizabeth Meigs, Sam Webber, Sr., George Meigs, Sr., Andrew Alberty, Samuel Beck and Edward Wright, were slaves of Cherokee citizens at the commencement of the rebellion, and that during said rebellion they left the Cherokee Nation; the said Joe Ross, Peter Meigs and Sam Webber, Sr. returned to the Cherokee Nation in the summer or fall of 1866 and located some claims upon the public domain of the Cherokee Nation; they then returned to the State of Kansas for their families, and removed with them to the Cherokee Nation during the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck, wife of Samuel Beck, are daughters of Peter and Elizabeth Meigs, and were born in the Cherokee Nation prior to their parents removal to the State of Kansas, and returned to the Cherokee Nation with them; George Meigs, Sr., another child of Peter and Elizabeth Meigs returned to the Cherokee Nation with his parents at the time above mentioned. Millie M. Webber, Moses Webber, Wesley Webber and Edward M. Webber are the minor children of Harriet Webber, and possess no rights to enrollment except through their said mother, their father, Ellis Webber, not having returned to the Cherokee Nation within the time necessary to acquire rights as a Cherokee Freedman. Hattie Webber, included in the application of Harriet Webber, et al., is a daughter of Wesley Webber, Cherokee Freedmen D-407, and one Missy Rowe; it appears that the said Missy Rowe was born since 1866, and is the daughter of one Jesse Rowe, whose application for enrollment as a Cherokee Freedman was denied by this Commission, and which decision was approved by the Department on May 28, 1904; George Meigs, Jr. John Meigs, Flemings Meigs and Irene Hanks, are the children of George Meigs, Sr., and possess no rights to enrollment except through their said father, their mother, Lucinda Meigs, nee Towers, not being shown to possess any rights as a Cherokee Freedman; George Hanks and Flemen Hanks are the minor children of Irene Hanks, and possess no rights to enrollment as Cherokee Freedmen except through their said mother.

Hattie Carrell, Katie Weigs, Nathan Weigs and Henry T. Weigs, have been born since 1866, and are the children of Simon Weigs and Fannie Weigs; the said Simon Weigs is the son of Peter and Elizabeth Weigs and returned to the Cherokee Nation with his parents the latter part of February or first of March, 1867; their mother, Fannie Weigs is not shown to possess any rights as a Cherokee Freedman, and in the absence of such showing it will be presumed that she possesses no such rights.

Andrew Alberty returned to the Cherokee Nation with his step-father, Peter Hudson, and the Commission have heretofore found, in the case of Peter Hudson, Cherokee Freedmen D-604, that the said Peter Hudson returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation, and his enrollment was approved by the Secretary of the Interior, April 29, 1904; his wife, Lizzie Alberty, is the daughter of Peter and Elizabeth Weigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Hattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, are their minor children, born since 1866.

Samuel Beck returned to the Cherokee Nation and established a residence therein within the time specified in the decree of the Court of Claims above referred to, and has since continuously resided in said Nation. The minor applicant, Luquittie Beck, is the child of said Samuel Beck, and has continuously resided with her father since birth.

Chlora Grayson returned to the Cherokee Nation at the time the Webbers returned with their families, which was too late to acquire any rights, under Article nine of the Cherokee treaty of 1866; her minor grandchild, Gertrude Grayson, for whom she makes application, is the daughter of Armstead Foster, who is identified on the 1880 authenticated Cherokee tribal roll.

Edward Derrick returned to the Cherokee Nation with his mother, Katie Whitmire, and his step-father, Moses Whitmire, at the time the Whitmires and Webbers brought their families to the Cherokee Nation, which, from the evidence, is shown to have been the latter part of February or the first of March, 1867; John Wright is a son of Edward Derrick, born since 1866, and takes the status of his said father.

Aaron Webber returned to the Cherokee Nation with his brother, Sam Webber, in the summer of 1866.

It appears that Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and that the applicants, Gertrude Grayson, Lizzie Alberty, Hattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, have resided continuously in the Cherokee Nation since birth. None of the other applicants herein nor any of their ancestors through whom they claim, can be identified upon the 1880 authenticated Cherokee tribal roll.

It is, therefore, the opinion of this Commission that Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie



Liberty, Mattie Liberty, Charity Liberty, Nellie Liberty, Sam  
 Liberty, Nellie Liberty, Ned Liberty, Samuel Beck and Emmittie  
 Beck, should be enrolled as Cherokee Freedmen; and that the ap-  
 plications for the enrollment of Saliva Grayson, Elizabeth Neige,  
 George Neige, Sr., George Neige, Jr., John Neige, Florence Neige,  
 Irene Neige, George Neige, Florence Neige, Mattie Carroll, Nellie  
 Neige, William Neige, Henry T. Neige, Harriet Webster, Ellice E.  
 Webster, Mattie Webster, Moses Webster, Wesley Webster, Edward T.  
 Webster, Mary Beck, Edward Derrick and Sam Wright, as Cherokee  
 Freedmen, should be denied, under the provisions of section twenty-  
 one of the Act of Congress approved June 20, 1906 (34 Stat., 498),  
 and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

(Signed) Wm. H. H. H.  
Commissioner.

(Signed) I. E. Frazier  
Commissioner.

(Signed) S. E. Brinkley  
Commissioner.

Dated at Muskogee, Indian Territory,  
 this 27th day of July 1906



F. D. 409

F. D. 409  
409

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on *W. B. ...*

by delivering a true copy thereof on the  
2 day of *October* A. D. 190*1*

Given under my hand this 2  
day of *October* A. D. 190*1*

*John ...*  
Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the  
... day of ..., 190...

Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } S. S.  
NORTHERN DISTRICT.

I do solemnly swear that I delivered a  
true copy of the within notice to ...

on the ... day of ... A. D. 190...

Subscribed and sworn to before me  
this ...

Notary Public.  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
OCT 4 1901

*W. B. ...*  
ACTING CHAIRMAN

## NOTICE!

IN THE MATTER OF the application of Wesley Webber  
for enrollment as Cherokee citizens  
Case No. D 409

To Wesley Webber ~~Wimer~~ I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 25th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this \_\_\_\_\_

[Signature]  
[Signature]  
Attorneys for the Cherokee Nation.

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Wesley Webber,

Wimor, I.T.

Cherokee-D-409

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

VB.

J. I. 409

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
MAY 23 1901



ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *May 23 '01*  
 Post Office *Myoma*  
 District *less.*

1. Name *Wesley Hobbs* Age *28*  
 Owner's name *K.C. Role* Citizenship *less.*  
 Year *128* Page *3177* District *less.*

Parents:  
 Father *Ellis Hobbs* Citizenship *less.*  
 Mother *Hattie* Citizenship *less.*

2. Name of wife  
 Owner's name  
 Year Page No. District

Parents:  
 Father  
 Mother  
 Citizenship  
 Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by *Wesley Hobbs* Stenographer *Jones.*

*No. 1 on K.C. Role as Thos. Hobbs.*  
*" " Wallace Page 150 No. 312 C Wesley Hobbs*  
*less. + Ref. to case of ~~Wesley~~ and Hattie Hobbs.*

COPY.

Cherokee Freedmen  
D-280,42.

Muskogee, Indian Territory, July 17, 1906.

W. V. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1906, in the consolidated case of Joe Ross, et al., granting the applications for the enrollment of Aaron Votter, Joe Ross, Elizabeth Neige, Andrew, Lizzie, Mattie, Charity, Nellie, Ben, Dollie and Ed Alberty, Harriett, Millie M., Emma, Wesley and Edward N. Votter, Mary and Margarette Ross, Edward Wright and John Wright, and rejecting the applications for the enrollment of George Neige, Sr., George Neige, Jr., John and Fleming Neige, Mattie Howell, Nellie, Emma and Mary E. Votter, Emma, George and Emma Neige, Emma and Barbara Neige, Mattie Votter and Samuel Ross, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

*T. B. Needles.*

Enc. 1-22.

Commissioner in Charge.



Cherokee freedman  
D-409

Muskogee, Indian Territory, August 17, 1903

Wesley Webber,  
Wimer, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated July 10, 1903, granting, among others, your said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles*

Enc. D-107  
Register.

Commissioner in Charge.

Cherokee Freedmen  
et al.

Muskogee, Indian Territory, August 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Joe Ross et al., including the Commission's decision dated July 16, 1903, granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Weiss, Andrea, Lizzie, Mattie, Charity, Hollie, Ben, Dolly and Ned Alberty, Harriett and Willie M. Webber, Moses, Wesley and Edward M. Webber, Mary and Luquittie Beck and Edward and John Wright, and rejecting the applications for the enrollment of George Weiss, Jr., George Weiss, Jr., John and Fleming Weiss, Mattie Carroll, Katie, Nathan and Henry T. Weiss, Irene, George and Fleming Hanks, Clara and Gertrude Grayson, Mattie Webber and Samuel Beck, as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

At the request of the attorney for the Nation there are also enclosed two copies of his general brief in the Cherokee freed-

men enrollment, which he desires to have considered in connection with these cases.

Respectfully,

*T. B. Needles*

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

Enc. D-113

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs.

Leaf 58888-1903.  
56888-1903.  
51808-1903.

A.C.T.  
Washington, Oct. 3, 1903.

To the Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

In accordance with the request contained in your report of August 31, 1903, the record relative to the application of Clara Grayson, et al., parties applicants to the Joe Ross, et al. case, for enrollment as citizens of the Cherokee Nation, is returned. There is also enclosed the affidavit of Samuel Beck, a party to the case, which was filed in this office by Chester Howe, Esq., of this city, who requested that action be suspended on the case for a reasonable time in order that Samuel Beck might secure further and additional proof in relation to his right to enrollment. Mr. Howe has been advised of this action.

Very respectfully,

(Signed) W. A. Jones.  
Commissioner.  
A.C.T.

G.A.W. & L.C.

COPY

Shoshone Freedmen

2-535, at 41

Washington, Indian Territory, April 17, 1900.

Will Hastings & Son, Agents

Attorneys for the Shoshone Indians

Washington, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1900, granting the applications for the enrollment of Joe Beck, Harrison Grayson, Aaron Walker, Andrew, Lincoln, Mattie, Phoebe, Willie, Tom, Malie and Ned Liberty, Samuel and Legitimate Beck, and rejecting the applications for the enrollment of Chelora Grayson, Minniebeth, George Sr., George Jr., John and Fleming Budge, Frank, George and Thomas Budge, Mattie Carroll, Katie, Nathan and Henry E. Baker, Harriet, Millie M., Mattie, Emma, Wesley and Henry M. Yabber, Mary Beck, Robert Harriet and John Wright, as Shoshone freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

RESERVED. *Tarne Birby*

Will Hastings & Son

Shoshone



COPY.

Charles Foxcroft  
New York, N. Y.

Washington, United States, April 27, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Joe Nash, et al., as Cherokee freedmen, including the Commission's decision dated April 17, 1908, granting the applications for the enrollment of Joe Nash, George Grayson, Aaron Tabor, Andrew Lingo, Mattie, Mary, Willie, Sam, Della and Ned Liberty, Samuel and Legittia Nash, and rejecting the applications for the enrollment of Clara Grayson, Elizabeth, George W., George Jr., John and Elizabeth Haine, Isaac, George and Elmer Nash, Mattie Sarah, David, Nathan and Henry E. Haine, Harriet, Willie E. Mattie, Isaac, Emily and Edward E. Wheeler, Mary Beck, Edward Derrick and John Wright, as Cherokee freedmen.

Respectfully,

(SIGNED) *Tame Bixby*  
Chairman.

Incl. 8-66

Through the

Commissioner of Indian Affairs.



COPY.

Cherokee Freedman

D-409.

Muskogee, Indian Territory, April 17, 1908.

Wesley Webber,

Wimer, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1908, rejecting, among others, the application for the enrollment of yourself as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED).

*Tamie Birby.*

Chairman.

Incl. 3-53  
Register

C O P Y .

DEPARTMENT OF THE INTERIOR,

Land.  
30769-1906.  
43243-1906.  
44630-1906.

Office of Indian Affairs,  
Washington.

June 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 17, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Joe Ross for himself, his sister Chlera Grayson and her minor grand child, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Meigs for herself; by George Meigs, Sr., for himself and his minor son, George Meigs, Jr.; by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor children, George and Flenon Hanks; by Hattie Carroll for herself, her sister, Katie Meigs, and her brothers, Nathan and Henry T. Meigs; by Lissie Alberty for herself, her husband, Andrew Alberty, and her minor children, Hattie, Charity, Nellie, Ben, Dollie and Ned Alberty; by Harriet Webber for herself, her minor child, Millie M. Webber, and her minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward W. Webber for himself; by Samuel Beck for himself, his wife, Mary and his minor child, Luquittie Beck; by Edward Derrick for himself; and by John Wright for

himself.

April 17, 1905, the Commission decided favorably to Joe Hess, Gertrude Grayson, Aaron Webber, Andrew, Lissie, Hattie Charity, Mollie, Ben, Dellie and Ned Alberty, Samuel and Luquittie Beck and adversely to Chlera Grayson, Elizabeth, George Sr., George Jr., John and Flemings Meigs, Irene, George and Flemon Hanks, Hattie Carrell, Katie, Nathan and Henry T. Meigs, Harriet, Millie M., Hattie, Moses, Wesley and Edward W. Webber, Mary Beck, Edward Derrick and John Wright.

The record shows that Joe Hess, Chlera Grayson, Aaron Webber, Elizabeth Meigs, Peter Meigs (deceased) husband of Elizabeth Meigs, Sam Webber Sr., George Meigs Sr., Andrew Alberty, Samuel Beck and Edward Derrick were slaves of Cherokee citizens at the beginning of the war of the rebellion, and that during the war they left the Cherokee Nation; that Joe Hess, Peter Meigs and Sam Webber Sr., returned to the Nation in the summer or fall of 1866 and located claims upon the public domain of the Cherokee Nation; that they then returned to Kansas for their families and removed with them to the Cherokee Nation in the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck (wife of Samuel Beck) are daughters of Peter and Elizabeth Meigs, were born in the Cherokee Nation prior to their parents removal to Kansas, and returned to the Cherokee Nation with them; George Meigs Sr., another child, returned with them at the same time. Millie M., Moses Wesley and Edward W. Webber are the minor children of Harriet Webber and possess no rights to

-4-

enrollment except through their mother, their father Ellis Webber, not having returned to the Cherokee Nation on or before February 11, 1867. Mattie Webber is a daughter of Wesley Webber and one Mary Howe; Mary Howe was born since 1844 and is the daughter of Jesse Howe, the rejection of whose claim was approved by the Department May 28, 1904. George Jr., John and Fleming Neige and Irene Hooks are the children of George Neige, Sr., and possess no rights to enrollment except through their father, their mother, Lucinda Neige, born Tavern, not being shown to possess any rights as a Cherokee Freedman; George and Flenon Hooks are the minor children of Irene Hooks and possess no rights to enrollment except through their mother. Mattie Carroll, Katie, Nathan and Henry T. Neige were born since 1844 and are children of Simon and Jennie Neige; Simon is the son of Peter and Elizabeth Neige and returned to the Cherokee Nation with his parents. Jennie Neige is not shown to possess any rights as a Cherokee Freedman. Andrew Alberty returned to the Cherokee Nation on or before February 11, 1867; his wife Lizzie Alberty, is the daughter of Peter and Elizabeth Neige, and was born in the Cherokee Nation after the return of her parents thereto. The applicants Mattie, Charity, Nellie, Ben, Dollie and Ned Alberty are their minor children born since 1844. Samuel Beck returned to the Cherokee Nation and established a residence therein prior to February 11, 1867, and has since continuously resided therein.

The minor applicant, Luquittie Beck is the child of Samuel Beck and has resided with her father since birth.

Chiera Grayson returned to the Cherokee Nation with the Webbers, subsequent to February 11, 1867; her minor grand child, Gertrude Grayson, is the daughter of Armistead Foster, who is identified on the 1860 authenticated Cherokee roll.

Edward Derrick returned to the Cherokee Nation the last of February or first of March, 1867; John Wright is his son born since 1866 and takes the status of his father.

Aaron Webber returned to the Cherokee Nation in the summer of 1866. Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and the applicants, Gertrude Grayson and Lizzie, Mattie, Charity, Nellie, Ben, Dollie and Ned Alberty have resided therein continuously since birth. None of the other applicants, nor any of their ancestors, through whom they claim, can be identified on the 1860 authenticated Cherokee roll.

There is also enclosed briefs in behalf of Edward Derrick and Mary Beck which have received due consideration.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

COPY.

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

I.T.D. 7838-1903.  
8224-    "  
8700-    "

June 25, 1904.

L.R.S.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On April 17, 1903, the Commission to the Five Civilized Tribes transmitted for departmental consideration the record in the matter of the consolidated applications of Joe Ross, Clara Grayson et al., Aaron Webber, Elizabeth Weigs, George Weigs, Sr. et al., John Weigs, Flemings Weigs, Irene Hanks et al., Mattie Carroll et al., Andrew Alberty et al., Harriet Webber et al., Moses Webber, Wesley Webber, Edward H. Webber, Samuel Beck et al., Edward Derrick, and John Wright, for enrollment as Cherokee freedmen, together with its Decision dated April 17, 1903. There was also transmitted a general brief and argument for these applicants, prepared by their attorneys, also an argument on behalf of Edward Derrick, prepared by his attorney.

On September 7, 1903, the attorneys for the applicants filed motions for review in the matter of the applications of Joe Ross et al., Mattie Carroll et al., Elizabeth Weigs, Elizabeth Weigs et al., George Weigs, Sr., et al., Edward H. Webber, Harriett Webber, Moses Webber, and Wesley Webber et al.



No proper reason appears for granting said motions for review and they are hereby denied.

Reporting June 19, 1906, the Indian Office recommends that the decision of the Commission to the Five Civilized Tribes in this consolidated case be approved. A copy of its letter is inclosed.

A careful consideration of the record, together with the arguments submitted, leads the Department to the opinion that the Commission's decision is correct. The applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie Alberty, Hattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dallis Alberty, Ned Alberty, Samuel Beck, and Luquittie Beck are hereby approved, and you will enroll them as Cherokee freedmen. The applications for the enrollment of Chloa Grayson, Elizabeth Weigs, George Weigs, Sr., George Weigs, Jr., John Weigs, Flemings Weigs, Irene Hanks, George Hanks, Flomen Hanks, Hattie Carroll, Katie Weigs, Nathan Weigs, Henry T. Weigs, Harriett Webber, Millie W. Webber, Hattie Webber, Moses Webber, Wesley Webber, Edward W. Webber, Mary Beck, Edward Derrick, and John Wright as Cherokee freedmen are hereby denied.

Respectfully,

James E. Wilson

Assistant Secretary.

1 inclosure.

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. P-7  
MDF

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Louis T. Brown,

Attorney for Joe Ross, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. P-7  
MHP

Cherokee freed-  
men D. 360 et al.

Muskogee, Indian Territory, July 6, 1906.

Blue & Bulger,

Attorneys for Joe Ross, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al. and rejecting the applications for the enrollment of Chlera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by you September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-6  
MCP

Commissioner.

Cherokee freed-  
man D. 409

Muskogee, Indian Territory, July 6, 1906.

Wesley Webber,  
Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by your attorneys September 7, 1905, for review of your case was denied by the Department on said date.

Respectfully,

Commissioner.

MWP

( COPY )

D.C. 55848-1906.

STARR & PATTEN,  
Attorneys at Law,  
Vinita, I. T.

December 22nd 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,  
Muskogee I T

Dear Sir:

Referring to the Cherokee Freedmen Enrollment cases of Luella Snaden et al and Chlora Grayson et al we beg to advise you that we have repeatedly reminded these applicants that they ought to file all of the affidavits they can secure in support of their motion for rehearing and in as much as they have given the matter no further attention the case might as well be forwarded for Departmental action as soon as your office is ready for it to go forward as we have nothing further to offer in support of this motion for rehearing.

Yours truly,

(Signed) Starr & Patten.

J.C.S.



Muskogee, Indian Territory, December 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed August 20, 1906, by Starr & Patton, attorneys for applicants, Vinita, Indian Territory, for a rehearing of the Cherokee Freedmen consolidated case of Joe Ross et. al. No. D. 350 et al., insofar as it rejects the applicant, Chlera Grayson, et al. With their letter of October 10, 1906, said attorneys forwarded affidavits by Dunk Vann and Stephen Kittle, which they requested be filed in support of their motion, and they also requested that they be allowed thirty days within which to file additional affidavits in support of their motion. Since that time they have filed no new affidavits. These attorneys represent practically all of the Cherokee freedmen cases that are now pending, and they have filed a number of motions to review all reopen pending cases. They have also filed from time to time, affidavits and additional motions in support of their motions filed within the time limited by the Act of April 26, 1906. On December 21, 1906, said attorneys verbally advised the office that they had filed all of the papers they desire in connection with their motions.

Secretary-2

June 22, 1906 (I. T. D. 7532-2824-2900-1905), the Department affirmed the decision of the Commission to the Five Civilized Tribes favorable to a part of the applicants embraced in the Cherokee freedmen consolidated case of Joe Ross et al., and adverse to a part of the applicants therein. The motion referred to applies to applicants embraced in said case to whom the decision was adverse.

An examination of the original record in this case shows that the motion for a rehearing is without merit. The applicants in the case were represented in the hearing of the case by able attorneys, and a great mass of testimony was introduced in their behalf and on behalf of the Attorney for the Cherokee Nation. The motion is based upon the ground of newly discovered evidence, but there is no affidavit by any of the applicants showing that the evidence they now seek to introduce is newly discovered, or that with due diligence they could not have secured it when the case was heard before the commission. Both of the parties to the affidavits filed in support of the motion reside in the Cherokee Nation, and when the Commission was engaged in hearing Cherokee freedmen cases, they testified in a number of cases.

It is respectfully recommended that the motion for a rehearing be denied.

**Secretary-3**

There is enclosed a motion filed August 24, 1906, by Zevoly & Givens, Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in said case. The protest of the Attorney for the Cherokee Nation, filed September 26, 1906, against this motion is also enclosed. The applicant, Mary Beck, was born prior to the breaking out of the war of the rebellion, and in accordance with the provisions of the Act of Congress approved April 26, 1906, ( 34 Stat., 137), she can not claim a constructive residence in the Cherokee Nation on account of her return to the Cherokee Nation of her father, Peter Meigs. The record in this case, as well as the records in various other Cherokee freedman cases, shows that the family of Peter Meigs, and also the families of the persons with whom Peter Meigs returned to the Cherokee Nation after the war of the Rebellion, did not return to the Cherokee Nation until subsequent to February 11, 1867.

It is recommended that this motion for review be denied.

There is also enclosed a motion for review of the Cherokee freedman case of Edward Derrick, one of the applicants in said case. This motion was filed August 24, 1906, by Roy T. Osborne and W. J. Sullivan, attorneys for applicant. This motion

Secretary-4

has no merit, for the reason that it does not point out any  
erroneous construction of the law in the Department's decision.  
It is also respectfully recommended that this motion be denied.

Respectfully,

Through the

Commissioner of the Indian Affairs.

Encl. B-9

Commissioner.

(MH)

(COPY)

Refer in reply to the following:

Land.  
75-1907  
2937-1907  
53921-1906

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

January 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of the Commissioner to the Five Civilized Tribes, dated December 27, 1906, transmitting motion for a re-hearing in the Cherokee Freedman consolidated case of Joe Ross, et al., in so far as it rejects the applicants, Chlora Grayson, et al.

This motion was filed with the Commissioner on August 20, 1906, by Starr and Patten, attorneys for the applicants, at Vinita, I. T. With their letter of October 10, 1906, the attorneys furnished the Commissioner affidavits by Dunk Vann and Stephen Little, to be filed in support of their motion.

On June 28, 1906 (I. T. D. 7636, 8884, 8900-1905), the Department affirmed the decision of the Commission favorable to a part of the applicants embraced in the Cherokee Freedman case Joe Ross, et al., and adverse to a part of them. The motion herein applies only to the applicants embraced in Departmental decision who were rejected thereby.

In connection herewith the attention of the Department is invited to a report of Commissioner Bixby dated January 7, 1907, which is transmitted on this day in connection with the

Cherokee Freedman case of Chlora Grayson, et al., with which is enclosed copy of letter from Starr and Patten, attorneys for the applicants, dated December 22, 1906, saying that they have repeatedly called the attention of the applicants to the necessity of filing further affidavits in support of their motion for a re-hearing, and that they have given the matter no further attention. For this reason they say they have nothing further to offer in support of the motion.

The record in this case shows that the applicants were represented in the hearing by able attorneys and a great mass of testimony was introduced on their behalf and on behalf of the attorneys for the Cherokee Nation. The motion is based on the ground of newly discovered evidence, but in view of the letter from the attorneys for the applicants saying that no further affidavits will be filed in support of the motion, and of the further fact that it is not shown that with due diligence the evidence could not have been secured when the case was heard before the Commission, it is recommended that the motion for re-hearing be denied.

There is also enclosed a motion filed with the Commissioner to the Five Civilized Tribes, August 24, 1906, by Zevely and Givens, of Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in the case of Joe Ross, et al. The protest of the attorney for the Cherokee Nation, filed with the Commissioner September 26, 1906, against this



motion, is also forwarded herewith.

The record herein shows that Mary Beck was born prior to the breaking out of the War of the Rebellion, and in accordance with the provisions of the Act of April 26, 1906 (34 Stat. L., 137), she cannot claim a constructive residence in the Cherokee Nation on account of the return thereto of her father, Peter Meigs.

The record further shows that the family of Peter Meigs, and also the families of persons with whom he returned to the Cherokee Nation after the war, did not return until subsequent to February 11, 1867. It is recommended that this motion for review be denied also.

Edward Derrick, one of the applicants in the case of Job Ross, et al., by his attorneys, Ray T. Osborne and W. J. Sullivan, filed a motion for re-hearing with the Commissioner on August 24, 1906, which is enclosed.

As this motion fails to point out any erroneous construction of the law in the Department's decision, it is recommended that it be denied.

The record in the case is herewith enclosed.

Very respectfully,

C. F. Lattahee,  
Acting Commissioner.

AJV-D

(COPY)

JF Jr

DEPARTMENT OF THE INTERIOR, LEB  
WASHINGTON.

1. T. D. 1875-1907.  
D. C. 4292-1907.

January 29, 1907.

LES

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On January 18, 1907 (Land 2937), the Indian Office transmitted your report dated December 27, 1906, submitting for departmental consideration a motion for rehearing filed in behalf of Ohlora Grayson et al., a motion for review filed in behalf of Mary Beck, and a motion for review filed in behalf of Edward Derrick, the last two motions involving persons who are parties to the first motion.

The attorney for the Cherokee Nation files protests which apparently covers nearly all of the parties named in the motions. Argument is also submitted by the attorneys for Edward Derrick.

You recommend, for reasons set forth in your report, that all the motions be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department has considered these motions, together with the few supporting affidavits filed, the argument of attorneys on behalf of the applicants and the nation, and the original

record. In regard to the motion for rehearing, the affidavits submitted show no evidence not heretofore considered by the Department. The record is voluminous, and it would appear that in the five years elapsing since the filing of this application ample time has been given to permit the applicants, by the exercise of due diligence, to have secured the necessary evidence to establish their rights as American Indians.

The motions for review point out no specific errors, and alleges error in your decision, when in fact the decision in the case was made by the Commission to the Five Civilized Tribes.

The three motions transmitted are without merit. They are hereby denied.

The papers are returned for the files of the Indian Office.

Respectfully,

Thos Ryan  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 Encl. and 20 to Ind. Of.

Cherokee P.  
R 817

Muskogee, Indian Territory, February 18, 1907.

Wesley Webber,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that a motion for rehearing of the Cherokee freedmen enrollment case of yourself, et al., filed by your attorneys, Starr & Patten, Vinita, Indian Territory, on August 30, 1906, was denied by the Secretary of the Interior, January 29, 1907.

Respectfully,

JMH

Commissioner.

Cherokee F.  
R 811

Muskogee, Indian Territory, February 15, 1907.

Starr & Patten,

Attorneys for Chlera Grayson, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that a motion, filed by you August 20, 1906, for a rehearing of the Cherokee freedmen enrollment case of Chlera Grayson, et al., was denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-2  
JMH

Commissioner.

Cherokee F.  
R All et al.

Muskogee, Indian Territory, February 15, 1907.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of Chlera Grayson, et al., filed August 20, 1906, and motions for review of the Cherokee freedmen enrollment cases of Mary Beck and Edward Derrick, filed August 24, 1906, were denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. N-12  
JMH

Commissioner.



Cher. Fr. R 818

Cher. Fr. R-818

Trans. from Cher. Fr. D408

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 22d 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner O.R. Breckinridge, testified as follows:

- Q What is your name? A Elizabeth Meigs.
- Q How old are you? A I don't know my age.
- Q About how old are you? A I was four years old when we came here with the old settlers.
- Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
- Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
- Q What is your post office? A Centralia.
- Q In what district do you live? A Cooweescoowee.
- Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
- Q Who do you want to have enrolled besides yourself? A My children.
- Q Have you any children under twenty-one years old? A No sir.
- Q They will have to apply for themselves then? A (No response)
- Q Have you a husband? A No sir he is dead.
- Q Then you only apply for yourself? A Yes sir.
- Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
- Q How long have you been called Meigs? A Ever since I was nothing but a girl.
- Q Were you married to a man named Meigs? A Peter Meigs.
- Q Is he dead? A Yes sir, five years ago in September.
- Q Was he a Cherokee Freedman? A Yes sir.
- Q Were you a slave in the Cherokee Nation before the war? A Yes sir
- Q To whom did you belong? A Reuben Daniel.
- The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.
- Q Are any of your family on that roll that you know of. A Yes, sir, Alice Sanders is on it, she is a daughter of mine, Alice is.
- The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:
- Page 135, No. 2658, Alice Sanders, Cooweescoowee district.
- The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.
- Q Did you draw your Cherokee strip money? A Yes sir.
- The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
- Page 100 No. 2512, Eliza Meigs, Cooweescoowee district.
- Q Did you ever go by the name of Daniel? A Yes sir then was my owners.
- The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
- Page 182, No. 40, Elizabeth Daniel.
- Note: Wife of Peter Meigs.
- Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
- Page 131, No. 2748, Elizabeth Meigs, Cooweescoowee district.
- Q Where were you during the Civil war? did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
- Q When did you come back? A In the winter of '65.

- Q What time in the winter? A Well it was in the winter.
- Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
- Q When did he bring you down? A In the winter after he went from here on Big Creek.
- Q He came ahead of you then? A Yes sir.
- Q What time did he leave Kansas? A I cannot tell you when he first came.
- Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '86.
- Q Did he leave Kansas in the winter? A Yes sir.
- Q Was he down here when Christmas came? A Yes sir.
- Q Do you know how long it was before Christmas before he started to come here first? A No sir I don't.
- Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
- Q How long after Christmas before you and he started down here together? A Directly after.
- Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.
- Q What members of your family came down with you and your husband? A These children.
- Q Did you bring your child Alice Sanders with you? A Yes sir.
- Q All the children? A Yes sir.
- Q Can you explain why you are not on the roll of 1880? A No sir.
- Q Do you know why you are not on that roll? A No sir I don't know nothing about the rolls.
- By W. W. Hastings, Cherokee Representative:
- Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
- Q Where were you living in Kansas then? A Fort Scott.
- Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
- Q Was it as much as a couple or three weeks? A Yes sir I guess so.
- Q And then you started down here? A Yes sir.
- Q Was it in the spring of the year when you reached here? A No sir in the winter.
- Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there weren't no buds nor nothing on the trees, it was winter I tell you.
- Q You all came in wagons did you? A Yes sir.
- Q Who came with your husband down here when he first came? A Old man Mike Sanders.
- Q Who else? A Reuben Sanders.
- Q Who else? A Daniel Sanders.
- Q Anyone else that you remember? A There was Little Sam Webber and old man Sam Webber.
- Q Any other Webber's? A Aaron Webber.
- Q Did anyone else come down? A I don't remember anyone else now.
- Q Were you there when they started down? A We all come together I am telling you.
- Q But I mean when your husband come on in advance of you. Who came with him then? Did these parties that you have named come with your husband when he first come down? A Yes sir.
- Q You were at Fort Scott then? A Yes sir.
- Q And they all started together? A Yes sir.
- Q These that you have named are all the you can think of at the present time? A Yes sir.
- Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.

Q And after Christmas you all came down did you? A Yes sir.

Q Did you come in wagons then? A Yes sir.

Q Did you come by a little place called Ohetopa? A Yes sir.

Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.

Q And you are living there yet? A Yes sir, that old house was built in '68.

Q What house? A That one we is living in.

Q And you are living at the same old place? A Yes sir, in the same old house.

Q On what creek is that? A Big Creek.

Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.

Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.

Q Did you see anyone from Ohetopa along the road through the Nation to Big Creek when you came there? A No sir.

Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.

Q You all came back together? A Yes sir.

Q Now Auntie, did any additional people - any other families come down with you? A I dont know who all come down, I am just telling you what I know.

Q There was Daniel Sanders, and Houben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.

Q Did Aaron Webber come? A Yes sir.

Q And your family? A Yes sir.

Q Are there any that I missed? A That is all that I gave you.

Q Is that all that come? A Aaron Wright come with us.

Q Who else? A (No response)

Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.

Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.

Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.

Q Who? A Uncle Riley was there on Verdigris, but now where we was living.

Q How far from where you settled? A I don't know how far.

Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.

Q Were they the closest residents to you at that time? A Yes sir.

Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

Q Any Gages? A No sir, never saw none.

Q You didn't see anybody on Big Creek, neither white or back, except those that come with you? A That is all.

Q And you have been there ever since? A Yes sir, ever since we moved there.

Q You say your husband Peter Weigs built a house there? A There is a log house there and he bought the house and we moved to it.

Q Who built the house if you know? A Henry Harold.

Q Was he a colored man? A Yes sir.

Q Is he living? A I don't know if he is or not.

Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.

Q They didn't admit him then did they? A I don't know sir.

Q You know he was disputed? A I dont know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States Court or Commission? A I don't understand what you say.

Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.

Q I mean in Court? A That is what I am telling you.

Q You know what a court is don't you? A Yes sir.

Q What court do you know? A Kerns Clifton court.

Q Any other court that you know of? A I know of the Wallace court.

Q Any others? A No sir.

Q Did he ever have anything done about your case by the Cherokee Council? A I don't know what was done, my man went there every year or two but I don't know what was done there.

Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.

Q Have you any witnesses with you that you want to introduce?

A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner G. R. Breckinridge, testified as follows on the part of the applicant.

(Examined by the Commission)

Q What is your name? A Ruben Sanders.

Q How old are you? A I suppose I am about 50.

Q What is your postoffice? A Centralia.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.

Q Who did you belong to? A James Sanders.

Q Were you taken to Kansas during the war? A Yes sir.

Q You have a wife named Alice have you? A Yes sir.

Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 175, No. 3657, Reuben Sanders, Cooweescoowee district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.

Q What court? A The Chambers Court.

Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.

Q In what year was that? A I can't tell what year it was.

Q Your citizenship had been disputed had it? A Yes sir.

Q When was your right to citizenship first disputed? A It was during the time that Thompson Dochalita was chief.

Q Was that before the 1880 roll was made? A Yes sir.

Q Did the Court decide in your favor? A Yes sir.

Q Was there any dispute made then about your being put on the 1880 roll? A No sir.

Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.

Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.

Q Where did they take your name? A I was in Goose Neck Bend, at the time.

Q Do you know the applicant Elizabeth Neige? A Yes sir.

Q Your wife is her daughter? A Yes sir.

By W. V. Hastings:

Q Peter Neige's citizenship was disputed the same time yours was?



- A Yes, sir.
- Q Did he go before the court at the same time? A No sir, I think not.
- Q His wife's citizenship was also disputed? A I judge so.
- Q Did she go down before that court? A Not to my knowledge.
- Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
- Q Was Bob Daniels Chief Justice of that court? A Yes sir.
- Q Just a few years after the war? A Yes sir.
- Q In '71 wasn't it? A Yes sir.
- Q Was any action taken in that court? A I don't know.
- Q You were there yourself? A No sir.
- Q You were about 15 or 16 years old when you come back? A Yes sir I guess so, I don't exactly know how old I was.
- Q You were not married then? A No sir.
- Q How long after you got back before you married? A Not very long after I got back.
- Q Did you marry on your way down here? A No sir.
- Q How long had you been here before you married? A I have been married twice.
- Q How long had you been here before you married the first time? A Not very long.
- Q As much as a year? A May be so.
- Q Is that your best judgment? A My best judgment is perhaps that it was that long.
- Q When were you married to your present wife? A Upwards of 30 years, or so.
- Q How long did you live with your first wife? A Not very long, she died.
- Q A Year? A Perhaps it was, maybe a little longer.
- Q Then you married your present wife? A Yes sir.
- Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
- Q The first time? A Yes sir.
- Q Who came with you? A Several were on horse-back; it is beyond my knowledge how many there were.
- Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
- Q Did you come in August? A Yes sir.
- Q Who came with you then? A Some of this family, Peter Meigs and got his place; the heads of these families.
- Q Who else came with you? A My brother Dan and the Whitmires.
- Q Which ones? A Several.
- Q Which ones? A Mose and Dennis, and the Webbers.
- Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I don't know who else, I don't know who all come.
- Q Who come when you come in October? A I don't know who all come then, some of that same crowd and some more come in October.
- Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
- Q What was his first name? A Old man Caesar Smith.
- Q You come in both of the detachments yourself? A No sir.
- Q Which one did you come in? A I come in August.
- Q You didn't come in October then? A Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
- Q On Big Creek? A Yes sir.
- Q Where Mrs. Meigs lived? A Yes sir.
- Q And you returned in October, how long did you stay in October?



A We didn't all return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.

Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.

Q What time in the winter? A Long in January.

Q You mean in '67. A No in the winter of '66.

Q Is you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of 66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.

Q What was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possibly can remember of who came with you in the January of February following?

A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.

Q I dont mean only of that family, there were other families were there not? A Old man Billie Forman.

Q Who else? A He had several children.

Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.

Q Wer any of the Webbers along? A Yes sir.

Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I had forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.

Q Did his son Sam come? A Yes sir.

By W. W. Hastings:

Q Dont you remember anyone else? A Rachel Webber.

Q Do you think of anyone else? A No sir.

Q You know that is was a mooted question before the Kerns Clifton Commission as to whom came at this time and as to when you come? A I havent been interested as to anyone except for myself.

Q You know that there is a question about who came dont you? A Yes sir I guess I do.

Q You say you came to Big Creek? A Yes sir.

Q Did you come by the way of Ghetopa? A Yes sir I guess that we did, I dont know that they called it Ghetopa then, there was a house or so there.

Q Did you cross the river there? A What river.

Q Neosho? A No sir.

Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.

Q You came through what is Ghetopa and come on west through the prairie? A We may have.

Q You were in wagons? A Yes sir.

Q Were there any persons living on any of that country from Ghetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of anyone living there before that.

Q Were there any houses there except those that ;our crowd built?

A I dont know of any houses, but there were foundations for them or Big Creek.

Q Then the houses were not built before you moved there with your

families? A Yes sir some were, there were logs on some up 8 or 10 logs high.

Q Then there were none really completed until you moved there with your families? A No sir.

Q Did you make a crop there the first year that you moved there? A Yes sir, as near as we could with one horse plows and hoes.

Q Do you know Jim Martin? A Yes sir.

Q Howfar does he live from you now? A 4, 5 or 6 miles.

Q Was he living there when you people moved there? A No sir.

Q He had a brother named William Martin? A Yes sir.

Q Was he living out there then? A No sir.

Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.

Q Was his name Dick Carter? A I think it was.

Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.

Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gilstrap ferry.

Q There was no farms made there when you passed through - no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66?

A Yes sir.

Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.

Q You didn't bring your families with you then? A Only part of them and some things that we had.

Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you?

A No sir.

Q Did Peter Meigs bring any family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q Then did Peter Meigs go back to Kansas? A I think with my father.

Q You came yourself in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q Then you returned to the Cherokee Nation again in October?

A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir not all of them come in October.

Q Where was Peter Meigs in October? A He come with us at each trip.

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October?

A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That made the second time that Peter Meigs had been here?

A Yes sir.

Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I don't exactly know where he was in Christmas of '66.

Q When Peter Meigs got back to the Cherokee Nation with his family

did he settle in the Cherokee Nation near your family? A Yes sir.

Q How far apart? A Two or three hundred yards apart.

Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.

Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.

Q You staid here then? A Yes sir.

Q When did you come? A In the winter.

Q Was it in February? A Must have been in December.

Q What about that February trip you spoke of? A It was in the winter some time. Snow was on the ground.

Q Did your father come at that trip? A Yes sir.

Q Your mother? A Yes sir.

Q Peter Meigs? A Yes sir.

Q His wife? A Yes sir.

Q That was your third trip? A Yes sir.

Q Was that your last trip? A Yes sir.

Q When did your wife Alice come? A Come then.

Q On that third trip? A Yes sir.

Q You say Peter Meigs made all three trips with you? A Yes sir.

Q Every time you came he came? A Yes sir.

Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.

Q Did he go there by himself? A No sir.

Q Do you remember distinctly that you came here in August the first time? A Yes sir.

Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.

Q Do you remember distinctly that he came with his family when you made your third and last trip? A Yes sir.

Q With his family? A Yes sir.

By Com'r Bheekinridge: The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerna-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicates that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1888, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicates that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Cherokee Court, accepting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment as a doubtful card and the final

decision of the Commission will be made known to her at her postoffice address.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 28th of May, 1901, at Chelsea, I.T.

Signed, T. B. Needles,  
Commissioner.

-----  
Supplemental:

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman.

REUBEN SANDERS, having been before sworn by Mr. Missioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.

Q How old are you? A I am only about 50 past.

Q You gave testimony just now in the case of Elizabeth Meigs?

A Yes sir.

Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867, when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.

Q How did you find out now it was January instead of February?

A It was just after Christmas that we was on the road coming down.

Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas - a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started that right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following - a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.

Q Where did you say that killing took place? A In Kansas.

Q Fort Scott? A Yes sir.

Q And the man that was accused of the killing was named what?

A Named Mackey.

Q You remember his first name? A No.

Q You remember the man who was killed, you got his first name?

A No sir I do not.

Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No, I don't know nothing about that part of it.

Q You know what county Ft. Scott is in? A No sir.  
Q Who called your attention to this error? A I thought so myself;  
I called my own attention to it; I was studying over it; I did.  
Q You know now it was only a few days after Christmas? A Yes sir,  
a few days after Christmas.

Com'r Breckinridge: This statement will be filed as  
supplemental in the Elizabeth Meigs case, to be considered in  
connection with the former statement of the witness, and the  
other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he correctly recorded  
the testimony and proceedings in this case and that the foregoing is  
a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,

Subscribed and sworn to before me this May 23, 1901.

Signed, C. R. Breckinridge,  
Commissioner.

-----  
Bruce C. Jones, being duly sworn, says that as stenographer to  
the Commission to the Five Civilized Tribes he copied the foregoing,  
and the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 20th of August, 1901.



Commissioner.



File with Moses Webber, C.P. D-408.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 23, 1901.

In the matter of the application of Harriett Webber for the enrollment of herself, one child and one adopted child, as Cherokee Freedmen: being sworn and examined by Commissioner Breckinridge, she testified as follows:

- Q You have been sworn; give your name? A Harriett Webber.  
Q How old are you? A About 40, I guess.  
Q What is your postoffice? A Wimer.  
Q In what district do you live? A Cooweescoowee.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Do you want to apply for anybody besides yourself? A Yes sir.  
Q Have you a husband you want to apply for? A No sir, I am a widow with two children.  
Q Just yourself and two children? A Yes sir, two children under age.  
Q And that is all? A Yes sir.  
Q How long have you lived in the Cherokee Nation? A Near about all my life.  
Q Were you born in the Cherokee Nation? A Yes sir.  
Q Have you ever lived anywhere else? A Yes sir.  
Q Where have you lived? A Went to Kansas.  
Q During the war? A Yes sir.  
Q When do you claim to have come back from Kansas? A In '66.  
Q With the exception of that absence, do you claim to have lived in the Cherokee Nation all your life? A All my life, yes sir.  
Q Give me the name of your father? A Peter Meigs.  
Q Give me the name of your mother? A Elizabeth Meigs.  
Q She is alive is she? A Yes sir.  
Q Is she the old lady who applied yesterday? A Yes sir.  
Q How many times have you been married? A Twice.  
Q How long since you married the first time? A About 27 years.  
Q To whom were you married then? A Ellis Webber.  
Q Is he dead? A No sir.  
Q Is she a Cherokee Freedman? A Yes sir.  
Q How long have you and he live together? A About 10 years.  
Q And then you parted, did you? A Yes sir.  
Q Did you get a divorce from him? A No sir.  
Q How long since you married your second husband? A About four or five years.  
Q Give me his name? A Jesse Roe.  
Q Is he alive? A Yes sir..  
Q Have you and he parted? A Yes sir.  
Q How long did you live with Jesse Roe? A A year I guess.  
Q Is he a Cherokee Freedman? A Yes, sir.  
Q Give me the names of your children? A Millie May Webber.  
Q How old is that child? A About 15 years old.  
Q Give me the name of the next child? A Hattie Webber.  
Q How old is Hattie? A 3 years old.  
Q You call her Webber too do you? A Yes sir.  
Q Are these children both living now? A Yes sir.  
Q Who is there here who knows that you were married to Webber?  
A My brother here.

GEORGE MEIGS, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A George Meigs.  
Q How old are you? A About 60 I guess.  
Q What is your postoffice? A Wimer.



- Q What kin are you to the applicant here? A Brother.  
Q How many times had she been married? A Twice.  
Q What was the name of her first husband? A Ellis Webber.  
Q And of her second husband? A Jesse Roe.  
Q Was she ever married except to these two men? A No sir.  
Q How many children has she? A Well, she will have to count them.  
Q I mean how many that are under 21? A Why just two.  
Q What are their names? A Millie is the oldest one, and the other one is Hattie.  
Applicant: Grand-child.  
Q Hattie is her grand-child? A Yes sir.

Applicant, Hattiet Webber, recalled and further expensed;  
By Commissioner Breckinridge:

- Q Isn't Hattie's mother living? A Yes sir.  
Q Well, the mother must apply for her? A She was adopted in my family; she was give to me from her birth.  
Q Give me the name of Hattie's mother; Hattie's mother is your child isn't she? A No sir, Jesse Roe's daughter; my last husband's daughter, his daughter's child.  
Q Well, give me the name of Hattie's mother? A Missie Roe.  
Q How old is Missie Roe? A I couldn't tell you.  
Q Is she a young woman? A Yes sir, she is about 19 years old.  
Q How long has she lived in the Cherokee Nation? A All her life.  
Q She is a child of Jesse Roe you say? A Yes sir.  
Q About how old is Jesse Roe? A I couldn't tell you.  
Q Is he as old as you? A Older than I am.  
Q Now give me the name of Missie Roe's mother? A Her mother was Lizzie Roe.  
Q Is she dead or alive? A She is dead.  
Q How long has she been dead? A Oh I don't know how long she has been dead.  
Q Long time, has she? A Yes sir.  
Q What was Lizzie Roe's name before she was married? A I couldn't tell you. I wasn't acquainted with her before that.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant, and name not found;

1896 census roll of citizens of the Cherokee Nation examined for applicants and names not found;

Kern-Clifton roll of citizens of the Cherokee Nation examined and applicants identified as follows;

page 128 #3198 Hattiet Webber, Cooweescoowee District;

page 128 #3199 Millie Webber, Cooweescoowee District;

Kern-Clifton payroll of citizens of the Cherokee Nation examined for Missie Roe, and not found.

1896 census roll of citizens of the Cherokee Nation examined for Missie Roe and not found.

Wallace roll of citizens of the Cherokee Nation examined for Missie Roe, and not found;

Wallace roll of citizens of the Cherokee Nation examined for applicant and identified as follows:

page 150 #3124, Hattiet Webber, Cooweescoowee District.

Wallace roll of citizens of the Cherokee Nation examined for Millie Webber and ~~her name~~ name not found.

Wallace roll of citizens of the Cherokee Nation examined for Ellis Webber; and found on

page 150 #3125 Ellis Webber, Cooweescoowee District.

Kern-Clifton payroll of citizens of the Cherokee Nation examined for Ellis Webber and name not found;

The 1880 authenticated roll of citizens of the Cherokee Nation examined for Ellis Webber and not found;

1896 census roll of citizens of the Cherokee Nation examined

for Ellis Webber, and not found.

Q Was Ellis Webber ever married before he married you?

A No, sir, not as I know of.

Q Were you ever married before you married him? A No sir.

Witness, George Meigs, re-called, and further examined;  
By Commissioner Brackinridge:

Q Do you know whether Ellis was ever married before or not?

A No sir, he wasn't.

Applicant, Harriett Webber, re-called, and further examined;  
By Com'r Brackinridge:

Q Have you ever got a divorce from Jesse Roe? A No sir.

Q You want this child enrolled as Hattie Webber, do you?

A Yes sir.

Com'r Brackinridge: The applicant applies for the enrollment of herself, one child and an adopted child; she makes no application for a husband; she has been separated from both of her former husbands; the applicant is identified on the Wallace roll and the Kerne-Clifton roll, but not upon the roll of 1880 or upon that of 1896; she claims to have lived in the Cherokee Nation all her life, except an absence during and immediately after the Civil War; her change of name arising from marriage is established by satisfactory testimony; she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and for further testimony in this case there will be filed the evidence in the case of her mother, Elizabeth Meigs, whose application was taken on yesterday; the applicant's child, Millie May Webber, is said to be living at this time, and to be 15 years of age; this child is identified on the Kern-Clifton rolls; it is shown that the applicant and this child's father were united in lawful marriage, and the child's father, Ellis Webber, who is still living, but from whom the applicant was separated some 10 years ago, and from whom she has never procured a divorce, is identified on the Wallace roll, and none other; in addition, therefore to the claim this child may have through its mother, there is a possible claim through its father, and then he applies for enrollment reference should be made to his case, if necessary to finally determine the status of this child, which will now be listed for enrollment as a Cherokee Freedman on a doubtful card;

As for the grandchild for whom the applicant applies, it is only a grandchild by law, it being the grandchild of her second husband, Jesse Roe, with whom she lived about one year after her marriage some four or five years ago, and after that period of married life they parted; Jesse Roe is said to be still living; Jesse Roe's daughter who is said to be the mother of this child, Misake Roe by name, is still living; she is not identified upon the 1896 roll or upon the Kerne-Clifton roll, nor is she identified upon the Wallace roll; this child last in question, Hattie Webber, as she is now called, is 5 years of age, and consequently is too young to be upon any roll; nothing is found at this time to indicate the right of this child to enrollment, but at a later period some status may be developed, through the application of the child's mother, Misake Roe, and its grandfather, Jesse Roe; at the present, therefore, the child will be placed upon a doubtful card as a Cherokee Freedman, and the applicant is desired to file with the Commission a certificate of its birth.

H. B. Green, being first duly sworn, states that as stenographer

to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this May 24, 1901.

Signed, C. R. Breckinridge,  
Commissioner.

\*\*\*\*\*

Archie C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Archie C. Jones

Sworn to and subscribed before me this 2nd of August, 1901.

M. D. Green  
Notary Public.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 22, 1901.

In the matter of the application of Moses Webber for enrollment as a Cherokee Freedman.

Moses Webber, being duly sworn and examined by Commissioner Freckinridge, testified as follows:

- Q Give me your name. A Moses Webber.  
Q How old are you? A 34.  
Q What is your post office? A Vinita.  
Q In what district do you live? A Osage.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Do you want to supply for anybody besides yourself? A No, sir.  
A My wife is on the roll.  
Q How long have you been married? A Two years, about.  
Q Your wife is a state woman, is she? A No, sir, she is on the 1890 roll.  
Q She didn't apply for you when she enrolled? A No, sir.  
Q Have you any children? A Yes, sir, I have one, she enrolled it.  
Q What is your wife's name? A Ellen.  
Q What is the name of the child? A Boyd Webber.  
Q How long have you lived in the Cherokee Nation? A All my days.  
Q Give me the name of your father? A Ellis Webber.  
Q Is he alive? A Yes, sir.  
Q Give me the name of your mother? A Harriett Webber.  
Q Is she living? A Yes, sir.  
Q What is the name of your mother's mother? A Elizabeth Seige.  
Q Is that the old lady who applied here yesterday? A Yes, sir.  
The 1890 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.  
The 1890 census roll of Cherokee Freedmen examined and the applicant not identified thereon.  
The Kerna-Glifton roll examined and the applicant not identified thereon.  
Q Did you draw strip money? A No, sir.  
The Wallace roll examined and the applicant identified thereon page 180, No. 2125, Osage district.

Commissioner: The applicant states that he has lived in the Cherokee Nation all his life. He is 34 years of age. He is not identified upon the roll of 1890 or upon that of 1896 or upon the Kerna-Glifton roll. He is identified upon the Wallace roll. He will now be listed for enrollment as a Cherokee Freedman and for further evidence in his case, reference is made to the case of his father and mother, Ellis and Harriett Webber, and a copy of the testimony in their cases will be filed with that of the applicant. When the final decision of the commission is rendered in this case, the applicant will be informed at his postoffice address.

Bruce V. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 22nd day of May, 1901.

*W. H. Freckinridge*  
Commissioner

File with Moses Webber, C.Y.B-405.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I.T., June 22, 1901

In the matter of the application of Ellis Webber for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Ellis Webber.
- Q What is your postoffice? A Centerville.
- Q What district do you live in? A Ooweesawnee.
- Q How old are you? A About 42 or 43.
- Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
- Q Who do you want to enroll besides yourself? A My wife took them all I guess.
- Q Who besides yourself? A That's all, myself, she has got the rest.
- Q You and her living together? A Yes sir.
- Q Why didn't you apply for the enrollment of the whole family yourself? A I ought to have done it, but she went in ahead of me.
- Q Is your name on the 1880 roll? A No sir.
- Q Is it on any of the rolls of the Cherokee Nation? A Yes sir.
- Q What rolls? A Clifton and Kern roll and Wallace roll.
- 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon;
- Kern-Clifton pay-roll of citizens of the Cherokee Nation examined and applicant identified on
- page 140 as Ellis Webber, Ooweesawnee District;
- Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
- page 180 as Ellis Webber, Ooweesawnee District.
- Q What was your father's name? A I don't know sir.
- Q What was your mother's name? A Becky Webber.
- Q Is she living? A Yes sir.
- Q Is her name on the roll of 1880? A No sir.
- Q Were you a slave? A Yes sir.
- Q To whom did you belong? A Robin Webber.
- Q Was he a Cherokee? A Yes sir.
- Q Were you taken out of the Cherokee Nation during the civil war? A Yes sir.
- Q Where to? A Ft. Scott, Kansas.
- Q Long mother with you? A Yes sir.
- Q When did you return? A In the fall of '66.
- Q Been living here continuously ever since? A Yes sir.
- Q Did you return with your mother? A Yes sir.
- Q How old was you about that time? A I don't know sir, I was a pretty good sized boy.
- Q You have been living in the Cherokee Nation ever since that time? A Yes sir.
- By Mr. Harcourt:
- Q Where were you living when you could first recall it? A On Big Creek.
- Q With whom were you living? A Uncle Sam Webber.
- Q You can't remember where you went in Kansas during the war? A Went to Ft. Scott.
- Q How old was you then? A I don't know my age.
- Q How big was you? A I must have been a pretty good sized boy about that high (indicating)
- Q Is he 12 years old? A Yes sir.
- Q What did you come back to the Cherokee Nation with? A Uncle Sam Webber.
- Q Any one else? A There was a whole lot more.
- Q Did Nelson Marshall come back with you? A Yes sir, Nelson Marshall and Jack May.

- Q Doesn't Smith did he come back with you? A Yes sir.  
 Q Who else? A Peter Maize.  
 Q Now your father and mother, did they come back at the same time you came? A I never had no father, I don't know my father.  
 Q That was your wife who just enrolled, Rebecca Webber? A Yes sir.  
 Q She is not the Rebecca Webber you came back with after the war?  
 A She was a girl, yes sir.  
 Q She was a Webber at that time? A No sir.  
 Q Your mother was named Rebecca Webber wasn't she? A Yes sir.  
 Q Where have you lived since you were grown Elliot? A Lived on Cedar Creek.  
 Q Lived anywhere else in the Cherokee Nation? A No, sir.  
 Q Now on the 1880 roll? A No sir.  
 Q When did you and Rebecca marry? A It was back about 18 or 19 years.  
 Q Where were you married? A On Big Creek. Sam Webber's house.

SAM WEBBER, being sworn and examined by Gen'l Needles, testified as follows:

- Q This is Sam Webber, how old are you, Mr. Webber? A About 44.  
 Q Your postoffice address is Nowata? A Nowata.  
 Q You know the applicant, Ellis Webber? A Yes sir.  
 Q How long have you known him? A I have known him way before the war when we was boys.  
 Q Was he a slave? A Yes sir.  
 Q To whom did he belong? A Robin Webber, my mistress' son.  
 Q Did you know his mother, Rebecca? A Yes sir.  
 Q Did she belong to Robin? A Yes sir.  
 Q Was Ellis Webber taken out of the Cherokee Nation during the war?  
 A Yes sir.  
 Q Where to? A Kansas.  
 Q You know when he returned to the Cherokee Nation? A Yes sir.  
 Q When? A He come with us in the fall of '66.  
 Q Has he been living here continuously since that time? A I never saw him elsewhere else but right in here.  
 Q His owner was a Cherokee citizen? A Yes sir, Cherokee.  
 Q Did his mother come with him when he came? A Yes sir.  
 BY Mr. Davenport:  
 Q Where did Robin Webber live at the breaking out of the war?  
 A Lived on Caneey out west of Tahlequah, right out at the other way from Tahlequah.  
 Q You and Ellis Webber's mother belonged to the same parties did you, at the breaking out of the war? A My old mistress was his master's mother.  
 Q Did they go to Kansas with you? A No sir, they come up there afterwards.  
 Q How many children did Rebecca Webber have when she come back to the Cherokee Nation after the war? A She brought three with her.  
 Q You know their names? A Ellis, Lewis and Lydia.  
 Q They come back to the Cherokee Nation as you did? A Yes sir.

NELSON MURRELL, being sworn and examined by Gen'l Needles, testified as follows:

- Q What is your name? A Nelson Murrell.  
 Q What is your age? A 77.  
 Q What is your post-office? A Coffeyville.  
 Q You know Ellis Webber, the applicant? A Yes sir.  
 Q How long have you known him? A All his life.  
 Q Was he a slave in slave days? A Yes sir.  
 Q Who did he belong to? A Robin Webber.  
 Q Was Robin Webber a Cherokee? A Yes sir.



Q Where was Ellis born? A In Illinois District.  
Q Was he taken out of the Cherokee Nation during the Civil war?  
A I suppose he was, he went out. I saw him time the war was going on  
where? A Baxter Springs, Kansas.  
Q When did he return after the war? A I can't tell that.  
Q When did you first see him after the war? A I saw him along  
about '70.  
Q That is the first time you saw him after the war? A Yes sir.  
Q Has he been living in the Cherokee Nation ever since that time?  
A Ever since.  
Q By Mr. Davenport:  
Q You say he was born in Illinois District? A Yes sir.  
Q What point? A On Caney.  
Q Is Caney in Illinois district? A I suppose it is.  
Q Do you know? A I don't know exactly where the line is at.  
Q Do you know where he was living when the war broke out? A Yes  
sir, over on Caney.  
Q How far were you living from them? A About 6 or 7 miles.  
Q You don't know where they went? A No sir, I saw them at Baxter  
Springs.  
Q Next time you saw them after the war was in '70? A Yes sir.

Gen'l Needles: Ellis Webber applies for the enrollment of  
himself; he swears that he is the son of Rebecca Webber, who  
has been listed for enrollment as a Cherokee Freedman; he was  
a slave and belonged to one Robin Webber; he was born in the  
Cherokee Nation and taken out of the Cherokee Nation during the  
war and returned in '66; he cannot be identified upon any of  
the rolls of the Cherokee Nation, except the Kern-Glifton and  
Wallace roll; he is duly identified upon them according to  
page and number of the roll; he makes satisfactory proof as  
to residence, and will now be listed for enrollment as a Cherokee  
Freedman on a doubtful card, awaiting the further con-  
sideration of the Commission; he will be notified by mail  
of the notice of the Commission in the premises.

M. D. Green, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he correctly recorded  
the proceedings and testimony in this case and that  
the foregoing is a true and complete transcript of his stenographic  
notes thereof.

Signed, M. D. Green,  
Subscribed and sworn to before me this July 8, 1901.  
Signed, T. B. Needles,  
Commissioner.

\*\*\*\*\*  
Bruce J. Jones, being duly sworn, says that as stenographer to  
the Commission to the Five Civilized Tribes he copied the foregoing  
and that the same is a true and correct copy from the original.

Bruce J. Jones  
Sworn to and subscribed before me this the 2nd of August, 1901.

Wm D. Green  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., October 13, 1901.

In the matter of the application of Elizabeth Neigh et al. for  
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearance.

W. T. Brown, agent for the applicant,  
St. Louis, Mo., counsel for Cherokee Nation.

Q. Now, I would like to have the record show that  
sometime next week the applicant intends to introduce as wit-  
nesses in this case, Aaron Wright, Reuben Sanders, Mrs. Sanders,  
and Sam Webber, for the purpose of showing that all the appli-  
cants in this case returned to the Cherokee Nation during the  
time prescribed by the fourth article of the Treaty of 1866,  
Commissioner Neeldest. Isn't that already been shown?  
A. T. Brown: And that they have had a continuous resi-  
dence in this country since that year.  
Commissioner: Well, that is all right.

Robert Neigh, being duly sworn by Commissioner Neeldest, tes-  
tified as follows:

Q. Now, what is your name? A. Robert Neigh.  
Q. Where do you live? A. I live five miles southwest of Tahlequah,  
that is your postoffice? A. Park Hill is my postoffice.  
Q. How old are you? A. I am 36 my next birthday.  
Q. How long have you lived in the Cherokee Nation? A. I have lived  
here all my life except a little while time of the war, from '64 to  
'66.  
Q. Did your people own any slaves before the war? A. Yes sir.  
Q. Do you know whether they owned a woman by the name of Elizabeth?  
A. No, sir.  
Q. Do you know whether or not they owned her mother, or anybody of  
the family? A. Elizabeth, no, sir.  
Q. Well, did you know Peter Neigh? A. Yes, sir.  
Q. Do you know what his wife's name was when the war broke out?  
A. Betsy, they called her.  
Q. Well, was she living, Betsy, at the time the war broke out?  
A. Yes, sir.  
Q. Well, did you ever know her by any other name than Betsy?  
A. Bessie.  
Q. There was Peter Neigh and his family at the breaking out of the  
war? A. Well Bessie was with us at home at the breaking out, but he  
and his wife was up there somewhere near the Hatch Hills on the  
Arkansas line.  
Q. Well I wish you would look at that woman there and see if she  
is the woman you knew as Bessie or Bessie or whatever you knew her by  
(indicating applicant). A. Yes, I think that is the one, I have never  
seen her but once.  
Q. That is since the war? A. I just saw her once in my life and  
that was time of the war, after the war.  
Q. Did you ever see Peter Neigh and his family after the war? A. Yes,  
sir, saw Bessie Peter.  
Q. What year was that? A. Sometime after '71.  
Q. What were the circumstances as to your seeing him or meeting him?  
Q. Why he had come down to go with me to see about taking up his  
rights, and he come down to visit my brother John, we were right  
together, and I went up there to see him.  
Q. Did you have a conversation with him or did he have a conversa-  
tion with your brother John in your hearing where he and his wife  
were present in regard to his right or what he wanted? A. Yes, sir.

Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '88 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 something, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '88? A He said he came down and started to make him a home in the fall of '88.

Q In the fall of '88? A Yes, in the fall of '88. Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late: is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but the date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-475, and the sub-references.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

*Bruce C. Jones*

Sworn to and subscribed before me this the 7th of November, 1901.

*[Signature]*

Commissioner.



File with Cherokee Freedman p-408, Moses Webber.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:

L. T. Brown, agent for applicants;  
L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.

Q What is your age? A About 50.

Q What is your postoffice address? A Centralia.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1830?

A I think it does.

Q You know Elizabeth Meigs and George Meigs? A Yes, sir.

Q What relation is George Meigs to Elizabeth Meigs? A Her son.

Q Did you know Peter Meigs during his life time? A Yes, sir.

Q Do you know whether Peter Meigs, Elizabeth Meigs and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.

Q When did they return to the Cherokee Nation? A They came in '66.

Q With whom did they return? A They came with me and my father and the Webbers.

Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.

Q What time of the year? A First of December.

Q That was the first time? A Yes, sir.

Q When did you make your second trip? A Along in first part of January.

Q That was January, 1867? A Yes, sir..

Q Now which one of these trips was it that Peter and his family came with you? A They came both times.

Q Same both times? A Yes, sir, the old man came the first time and then the last time the family came.

Q Peter came with you alone the first time? A Yes, sir.

Q Then the second time he brought his family? A Yes, sir.

Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.

Q Then was his children? A Then was his children.

Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-475.

Bruce O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 19th day of November, 1901.

COPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al., for  
enrollment as Cherokee Freedmen, consolidating the applications of

Joe Ross,.....	Cherokee Freedmen	D-350
Elizora Grayson, et al.,.....	Cherokee Freedmen	D-496
Aaron Webber,.....	Cherokee Freedmen	D-316
Elizabeth Maigs,.....	Cherokee Freedmen	D-351
George Maigs, Sr., et al.,.....	Cherokee Freedmen	D-354
John Maigs,.....	Cherokee Freedmen	D-356
Flemings Maigs,.....	Cherokee Freedmen	D-358
Irene Hanks, et al.,.....	Cherokee Freedmen	D-401
Mattie Carroll, et al.,.....	Cherokee Freedmen	D-402
Andrew Alberty, et al.,.....	Cherokee Freedmen	D-404
Harriett Webber, et al.,.....	Cherokee Freedmen	D-407
Moses Webber,.....	Cherokee Freedmen	D-408
Wesley Webber,.....	Cherokee Freedmen	D-409
Edward E. Webber,.....	Cherokee Freedmen	D-410
Samuel Beck, et al.,.....	Cherokee Freedmen	D-412
Edward Wright,.....	Cherokee Freedmen	D-413
John Wright,.....	Cherokee Freedmen	D-414

DECISION.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Joe Ross, for himself; by Joe Ross, for his sister, Elizora Grayson, and her minor child, Gertrude; by Aaron Webber, for himself; by Elizabeth Maigs, for herself; by George Maigs, Sr., for himself, his wife, Matilda Maigs, and minor son, George Maigs, Jr. (Matilda Maigs is differently classified and is not embraced in this decision); by John Maigs, for himself; by Flemings Maigs, for himself; by Irene Hanks, for herself and minor child, George Hanks; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Flomen Hanks; by Mattie Carroll, for herself, her sister, Katie Maigs, and brothers, Nathan and Henry T. Maigs; by Elizabeth Alberty, for herself, her husband, Andrew Alberty, and minor children Mattie, Marjory, Nellie, Ben and Holly Alberty; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Ned Alberty; by Harriett Webber, for herself and minor child, Willie E., and her ward, Mattie Webber; by Moses Webber for himself; by Wesley Webber, for himself; by Edward E. Webber, for himself; by Samuel Beck, for himself, his wife, Mary Beck, and minor child, Lucettie; by Edward Wright, for himself; and by John Wright, for himself.

The evidence shows that Joe Ross, and Peter Meigs, now deceased, husband of Elizabeth Meigs, Moses Webber, Sr., father of Aaron Webber, George Meigs, Sr., Salera Grayson, Samuel Beck and Andrew Alberty, were slaves of Cherokee citizens at the commencement of the War of the Rebellion; and that during said War they left the Cherokee Nation.

Said Joe Ross, Peter Meigs and Moses Webber, Sr., returned to the Cherokee Nation in the fall of 1864, and located a claim on the public domain of the Cherokee Nation; they then went back to Kansas for their wives and families, and returned with them to said Nation in February or March, 1867.

Elizabeth Alberty, wife of Andrew Alberty, Mary Beck, wife of Samuel Beck, and Harriett Webber, are children of said Elizabeth Meigs and Peter Meigs, and, with the exception of the said Elizabeth Alberty, who has been born since 1864, were minors at the time of their parents' return to the Cherokee Nation. The said Elizabeth Alberty desires to be enrolled as Lizzie Alberty. Moses Webber, Wesley Webber and Edward H. Webber are children of said Harriett Webber, and have all been born since 1864.

George Meigs, Sr., returned with his father and mother to the Cherokee Nation in February or March, 1867, and was of age at that time.

John Meigs, Fleming Meigs and Irene Banks have been born since 1864, and are children of, and claim right to enrollment through, the said George Meigs, Sr. The names of the said George Meigs, Sr., John Meigs, Fleming Meigs and Irene Banks, are not found on the 1860 authenticated roll of the Cherokee Nation.

Salera Grayson returned to the Cherokee Nation with her brother, Joe Ross, in February or March, 1867. She was then married and not a member of the family of Joe Ross, at the time of his return to the Cherokee Nation. Her name is not found on the 1860 authenticated roll of the Cherokee Nation. Her minor child, Corrado, takes only such rights as are possessed by her mother.

Samuel Beck did not return to and establish his residence in the Cherokee Nation until after January 19, 1867. His name is not found on the 1860 authenticated roll of the Cherokee Nation.

Andrew Alberty returned to the Cherokee Nation and established a residence therein in 1864.

Hattie Carroll, Hattie Meigs, Nathan Meigs and Henry T. Meigs, have been born since 1864, and are the children of one Simon Meigs, and claim their right to enrollment through him. The evidence does not show that the said Simon Meigs was the slave of a Cherokee citizen, or free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion, who was residing therein on July 19, 1860, or within six months thereafter. The names of the said Simon Meigs, Hattie Carroll, and Nathan and Henry T. Meigs, are not found on the 1860 authenticated roll of the Cherokee Nation.

Aaron Webber has been born since 1864, and is the son of Moses Webber, Sr., who is identified on the 1860 authenticated roll of the Cherokee Nation as adopted colored. It is presumed from this enrollment that the Cherokee Nation recognized that Moses Webber, Sr., complied with the terms of the treaty of 1860. Edward Wright is the step-son of said Moses Webber, Sr., and was a minor and a member of the family of said Moses Webber, Sr., when he returned with them to the Cherokee Nation in February or March, 1867. John Wright is the son of Edward Wright, and takes the status of his father.



Nattie Webber, included in the application of said Harriett Webber, is the daughter of Jesse and Minnie Lee. The evidence does not show that the said Jesse or Minnie Lee, or any of their ancestors, were ever slaves of Cherokee citizens, or free colored persons living in the Cherokee Nation at the beginning of the War of the Rebellion. The record of said Harriett Webber, Jesse Lee and Minnie Lee, as shown on the 1880 authorized roll of the Cherokee

The evidence further shows that Joe Ross, Elizabeth Neiga, Andrew Alberty, Mary Beck, Harriett Webber and Edward Wright have resided in the Cherokee Nation continuously since their return thereto, as above mentioned; that all the applicants herein, born since 1866, have resided in the Cherokee Nation continuously since birth.

It is, therefore, the opinion of this Commission, that Aaron Webber, having been born since 1866, should be enrolled as a Cherokee Freedman, and that Joe Ross, Elizabeth Neiga, Andrew Alberty, Minnie Alberty, Nattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dolly Alberty, Ned Alberty, Harriett Webber, Millie M. Webber, Moses Webber, Wesley Webber, Edward M. Webber, Mary Beck, Luquittie Beck, Edward Wright and John Wright should also be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 20, 1896 (30 Stat., 496); it is further the opinion of this Commission that the applications for the enrollment of George Neiga, Sr., George Neiga, Jr., John Neiga, Flannings Neiga, Nattie Carroll, Katie Neiga, Nathan Neiga, Henry F. Neiga, Irene Neiga, George Neiga, Flannings Neiga, Chas. Grayson, Gertrude Grayson, Nattie Webber and Samuel Beck, should be denied, under the provisions of said Section twenty-one of the Act of Congress above cited, and it is so ordered.

#### COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

James Dixby.

SIGNED

T. B. Needles.

SIGNED

C. R. Breckinridge.

SIGNED

W. E. Stanley.

Muskogee, Indian Territory,

this JUL 10 1903

C. H. McR.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al.,  
for enrollment as Cherokee Freedmen, consolidating the applica-  
tions of ---

Joe Ross,	Cherokee Freedmen D-350,
Chlora Grayson, et al.,	Cherokee Freedmen D-396,
Aaron Webber	Cherokee Freedmen D-316,
Elizabeth Meigs	Cherokee Freedmen D-391,
George Meigs, Sr., et al.,	Cherokee Freedmen D-394,
John Meigs,	Cherokee Freedmen D-396,
Flemings Meigs,	Cherokee Freedmen D-398,
Irene Hanks, et al.,	Cherokee Freedmen D-401,
Hattie Carrell, et al.,	Cherokee Freedmen D-402,
Andrew Alberty, et al.,	Cherokee Freedmen D-404,
Harriet Webber et al.,	Cherokee Freedmen D-407,
Moses Webber,	Cherokee Freedmen D-408,
Wesley Webber,	Cherokee Freedmen D-409,
Edward N. Webber	Cherokee Freedmen D-410,
Samuel Beck, et al.,	Cherokee Freedmen D-775,
Edward Darrick	Cherokee Freedmen D-828,
John Wright,	Cherokee Freedmen D-834.

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Joe Ross for himself; by Joe Ross for his sister, Chlora Grayson and her minor grandchild, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Meigs for herself; by George Meigs, Sr., for himself, his wife Matilda Meigs, and his minor son, George Meigs, Jr., (the said Matilda Meigs, being differently classified, is not embraced in this decision); by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor son, George Hanks; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Florence Hanks; by Hattie Carrell for herself, her sister, Katie Meigs, and her brothers, Nathan and Henry T. Meigs; by Elizabeth Alberty for herself, her husband Andrew Alberty, and her minor children, Mattie, Charity, Nellie, Ben and Dollie Alberty; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriet Webber for herself and minor child, Willie N. Webber, and minor ward, Mattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward

Webber for himself; by Samuel Beek for himself, his wife Mary, and his minor child, Luquittie Beek; by Edward Wright for himself; and by John Wright for himself.

On July 10, 1903, the Commission rendered its decision in this consolidated case, which was forwarded to the Department for its consideration, and on August 31, 1903, the Commission requested that the record relative to the application of Chlera Grayson et al., party applicants in this consolidated case, be returned for reconsideration, and on Oct. 3, 1903, the Department complied with said request of the Commission and returned said record and decision. On June 17, 1904, further proceedings were had in the matter of the application for the enrollment of Chlera Grayson, et al.

The record herein shows that on April 1, 1902, the Commission received a letter from the applicant in Cherokee Freedmen D-404, heretofore listed for enrollment as Elizabeth Alberty, wherein she states that she desires to be enrolled as Lizzie Alberty, and she will accordingly be considered in this decision under the last mentioned name. On June 6, 1904, the applicant in Cherokee Freedmen D 818, appeared before the Commission at Tahlequah, Indian Territory, and testified that his correct name was Edward Derrick, under which name he will be considered in this decision.

The evidence shows that Joe Ross, Chlera Grayson, Aaron Webber, Elizabeth Meigs, Peter Meigs, now deceased, husband of Elizabeth Meigs, Sam Webber, Sr., George Meigs, Sr., Andrew Alberty, Samuel Beek and Edward Wright, were slaves of Cherokee citizens at the commencement of the rebellion, and that during said rebellion they left the Cherokee Nation; the said Joe Ross, Peter Meigs and Sam Webber, Sr. returned to the Cherokee Nation in the summer or fall of 1866 and located some claims upon the public domain of the Cherokee Nation; they then returned to the State of Kansas for their families, and removed with them to the Cherokee Nation during the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beek, wife of Samuel Beek, are daughters of Peter and Elizabeth Meigs, and were born in the Cherokee Nation prior to their parents removal to the State of Kansas, and returned to the Cherokee Nation with them; George Meigs, Sr., another child of Peter and Elizabeth Meigs returned to the Cherokee Nation with his parents at the time above mentioned. Millie M. Webber, Moses Webber, Wesley Webber and Edward M. Webber are the minor children of Harriet Webber, and possess no rights to enrollment except through their said mother, their father, Ellis Webber, not having returned to the Cherokee Nation within the time necessary to acquire rights as a Cherokee Freedman. Mattie Webber, included in the application of Harriet Webber, et al., is a daughter of Wesley Webber, Cherokee Freedmen D-497, and one Elsie Rowe; it appears that the said Elsie Rowe was born since 1866, and is the daughter of one Jesse Rowe, whose application for enrollment as a Cherokee Freedman was denied by this Commission, and which decision was approved by the Department on May 28, 1904. George Meigs, Jr., John Meigs, Fleming Meigs and Irene Hanks, are the children of George Meigs, Sr., and possess no rights to enrollment except through their said father, their mother, Lucinda Meigs, nee Towers, not being shown to possess any rights as a Cherokee Freedman; George Hanks and Fleming Hanks are the minor children of Irene Hanks, and possess no rights to enrollment as Cherokee Freedmen except through their said mother.

Hattie Carrell, Katie Neigs, Nathan Neigs and Henry T. Neigs, have been born since 1866, and are the children of Simon Neigs and Fannie Neigs; the said Simon Neigs is the son of Peter and Elizabeth Neigs and returned to the Cherokee Nation with his parents the latter part of February or first of March, 1867; their mother, Fannie Neigs is not shown to possess any rights as a Cherokee Freedman, and in the absence of such showing it will be presumed that she possesses no such rights.

Andrew Alberty returned to the Cherokee Nation with his step-father, Peter Hudson, and the Commission have heretofore found, in the case of Peter Hudson, Cherokee Freedman B-604, that the said Peter Hudson returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation, and his enrollment was approved by the Secretary of the Interior, April 29, 1904; his wife, Lizzie Alberty, is the daughter of Peter and Elizabeth Neigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Hattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, are their minor children, born since 1866.

Samuel Beck returned to the Cherokee Nation and established a residence therein within the time specified in the decree of the Court of Claims above referred to, and has since continuously resided in said Nation. The minor applicant, Luquittie Beck, is the child of said Samuel Beck, and has continuously resided with her father since birth.

Chlora Grayson returned to the Cherokee Nation at the time the Webbers returned with their families, which was too late to acquire any rights, under Article nine of the Cherokee treaty of 1866; her minor grandchild, Gertrude Grayson, for whom she makes application, is the daughter of Armstead Foster, who is identified on the 1880 authenticated Cherokee tribal roll.

Edward Derrick returned to the Cherokee Nation with his mother, Katie Whitmire, and his step-father, Moses Whitmire, at the time the Whitmires and Webbers brought their families to the Cherokee Nation, which, from the evidence, is shown to have been the latter part of February or the first of March, 1867; John Wright is a son of Edward Derrick, born since 1866, and takes the status of his said father.

Aaron Webber returned to the Cherokee Nation with his brother, Sam Webber, in the summer of 1866.

It appears that Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and that the applicants, Gertrude Grayson, Lizzie Alberty, Hattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, have resided continuously in the Cherokee Nation since birth. None of the other applicants herein nor any of their ancestors through whom they claim, can be identified upon the 1880 authenticated Cherokee tribal roll.

It is, therefore, the opinion of this Commission that Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie



Alberty, Mattie Alberty, Charity Alberty, Millie Alberty, Ben Alberty, Della Alberty, Ed Alberty, Samuel Beck and Maggie Beck, should be enrolled as Cherokee Freedmen; and that the applications for the enrollment of Chas. Grayson, Elizabeth Neiga, George Neiga, Sr., George Neiga, Jr., John Neiga, Fleming Neiga, Irene Neiga, George Neiga, Flossie Neiga, Mattie Neiga, Katie Neiga, Nathan Neiga, Henry T. Neiga, Harriet Webber, Millie M. Webber, Mattie Webber, Moses Webber, Cecily Webber, Edward M. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee Freedmen, should be denied, under the provisions of Section twenty-one of the Act of Congress approved June 20, 1906 (34 Stat., 426), and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

(Signed) Tommy Fisher  
Chairman.

(Signed) T. B. Woodley  
Commissioner.

(Signed) C. E. Brookbridge  
Commissioner.

Dated at Muskogee, Indian Territory,  
this APR 27 1906

FD 408

D. . .

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on 11/22/00

by delivering a true copy thereof on the  
..... day of October A. D. 1900

Given under my hand this 2  
day of October A. D. 1900  
W. M. Smith  
Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the  
..... day of ....., 190 ..

Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } S. S.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to .....

on the ..... day of ..... A. D. 190 ..

Subscribed and sworn to before me  
this .....

DEPARTMENT OF THE INTERIOR, Public.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 4 1901

ACTING CHAIRMAN.



## NOTICE!

IN THE MATTER OF the application of ~~Moses Webber~~  
for enrollment as Cherokee citizens:

Case No. D ~~408~~

To ~~Moses Webber~~ ~~Wimer~~ ~~I. T.~~

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of ~~Vinita~~ Indian Territory, on ~~Oct.~~ ~~15th~~ ~~1901~~ at ~~8 o'clock A. M.~~ or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this ~~SEP 21 1901~~

Attorneys for the Cherokee Nation.

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**  
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Moses Webster,  
Winner, I.T.  
Cherokee F-D-408  
Register.

TAMS BIXBY,  
T. B. NEEDLES,  
C. R. BRECKINRIDGE,  
Commissioners.

VB.

F.D. 408

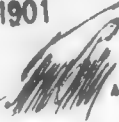
5/10

WV

WV

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
MAY 23 1901



ACTING CHAIRMAN

CO

## MEMORANDUM OF APPLICATION.

## CHEROKEE FREEDMEN.

Date

Post Office

District

Hymus J. J. Gray 23-1901

Gov.

1. Name *Moses Hubber* Age *24-*

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by

Stenographer

*Moses Hubber*  
 + App. to case # of *Ellis and Harriet Hubber*

MA 23 1901

COPY.

Cherokee Freedmen  
D-350 &c.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tablequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Joe Ross, et al., granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Meigs, Andrew, Lizzie, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty, Harriett, Millie M., Moses, Wesley and Edward N. Webber, Mary and Luquittie Beck, Edward Wright and John Wright, and rejecting the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John and Flemings Meigs, Hattie Carell, Katie, Nathan and Henry T. Meigs, Irene, George and Flemon Hanks, Chlora and Gertrude Grayson, Hattie Webber and Samuel Beck, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. D. Woodson.

Commissioner in Charge.

Enc. H-22.

COPY.

RECORDED - INDEXED  
-408

Cherokee, Indian Territory, August 7, 1903

Moses Webber,

Wimer, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated July 10, 1903, granting, among others, your said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-106

Commissioner in Charge.

Register.



Cherokee Freedmen  
D-350 et al.

Muskogee, Indian Territory, August 27, 1903.

The Honorable

The Secretary of the Interior.

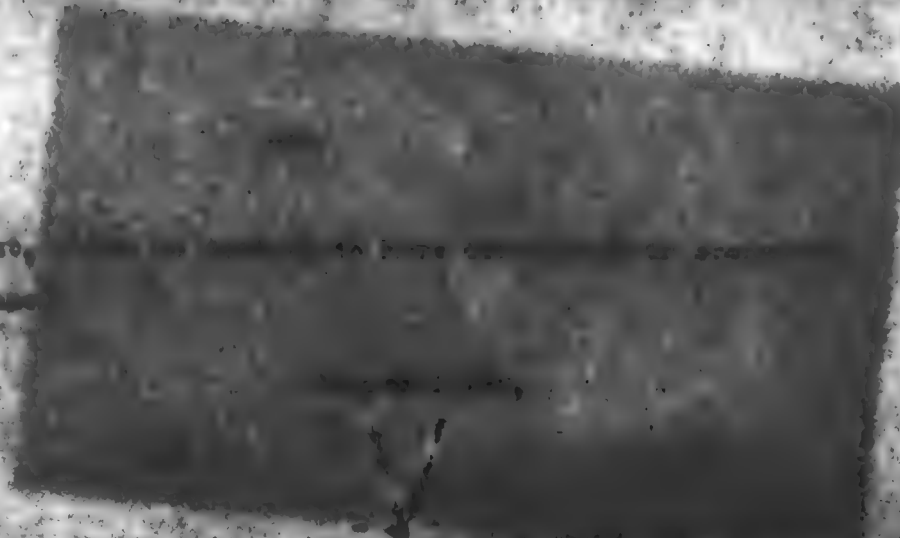
Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Joe Ross et al., including the Commission's decision dated July 10, 1903, granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Weigs, Andrew, Lizzie, Mattie, Charity, Mollie, Ben, Dolly and Ned Alberty, Harriett and Millie M. Webber, Moses, Wesley and Edward M. Webber, Mary and Luquittie Beck and Edward and John Wright, and rejecting the applications for the enrollment of George Weigs, Sr., George Weigs, Jr., John and Flemings Weigs, Mattie Carroll, Katie, Nathan and Henry T. Weigs, Irene, George and Flemon Hanks, Chlera and Gertrude Grayson, Mattie Webber and Samuel Beck, as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

At the request of the attorney for the Nation there are also enclosed two copies of his general brief in the Cherokee freed-

not enrolled,  
with these cases



*I. B. Needles*  
Commissioner in Charge

Through the  
Commissioner of Indian Affairs.

Enc. D-113

DEPARTMENT OF THE INTERIOR,

Bureau of Indian Affairs,

Law 11898, 1903.

16651-1903.

41806-1903.

Washington, Oct. 3, 1903.

A.C.T.

To the Commission to the Five Civilized Tribes,

McAllister, Indian Territory.

Enclosure.

In accordance with the request contained in your report of August 21, 1903, the record relative to the application of Clara Wrayson, et al., parties applicants to the Joe Ross, et al., case, for enrollment as citizens of the Cherokee Nation, is returned. There is also enclosed the affidavit of Samuel Beck, a party to the case, which was filed in this office by Chester Howe, Esq., of this city, who requested that action be suspended in the case for a reasonable time in order that Samuel Beck might secure further and additional proof in relation to his right to enrollment. Mr. Howe has been advised of this action.

Very respectfully,

(Signed) W. A. Rouse,

Commissioner.

A.C.T.

S.A.V.M.C.

COPY.

Cherokee Freedmen

5-220, et al.

Washoe, Indian Territory, April 17, 1908.

Bell, Hastings & Darrough,

Attorneys for the Cherokee Nation,

Washoe, Indian Territory,

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1908, granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lissie, Mattie, Charity, Nellie, Ben, Nellie and Ned Alberty, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Chiers Grayson, Elizabeth, George Gr., George Jr., John and Fleming Reigh, Irene, George and Elmer Hooks, Mattie Carroll, Katie, Nathan and Henry T. Reigh, Harriet, Millie K., Mattie, Moses, Vestey and Edward K. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED):

*Tama Birby.*

Chairman

Encl. 1-22.

COPY.

Cherokee Freedmen  
B-100, et al.

Washoe, Indian Territory, April 17, 1900.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Joe Ross, et al., as Cherokee freedmen, including the Commission's decision dated April 17, 1900, granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lissie, Mattie, Charity, Willie, Ben, Dollie and Ned Liberty, Samuel and Luquittie Ross, and rejecting the applications for the enrollment of Chas. Grayson, Elizabeth, George Sr., George Jr., John and Florence Neige, Irene, George and Florence Neige, Mattie Carroll, Katie, Nathan and Henry T. Neige, Harriet, Willie H., Mattie, Moses, Wesley and Edward E. Webber, Mary Ross, Edward Berriek and John Wright, as Cherokee freedmen.

Respectfully,

(SIGNED). *Jane Bixby.*  
Chairman.

Incl. B-64

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

D-408;

Muskogee, Indian Territory, April 17, 1905.

Moses Webber,

Wimer, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) *Tame Bixby.*  
Chairman.

Incl. 8-52  
Register



C O P Y .

Land.  
30769-1905.  
43223-1905.  
44630-1905.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington.

June 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 17, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Joe Hess for himself, his sister, Ohlera Grayson and her minor grand child, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Meigs for herself; by George Meigs, Sr., for himself and his minor son, George Meigs, Jr.; by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor children, George and Flenon Hanks; by Hattie Carrell for herself, her sister, Katie Meigs, and her brothers, Wathan and Henry T. Meigs; by Lizzie Alberty for herself, her husband, Andrew Alberty, and her minor children, Hattie, Charity, Mellicie, Ben, Dollie and Ned Alberty; by Harriet Webber for herself, her minor child, Millie M. Webber, and her minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward N. Webber for himself; by Samuel Beck for himself; his wife, Mary and his minor child, Luquittie Beck; by Edward Derriek for himself; and by John Wright for

himself.

April 17, 1906, the Commission decided favorably to Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Liasie, Mattie Charity, Nellie, Ben, Nellie and Ned Alberty, Samuel and Luquittie Beck and adversely to Chelara Grayson, Elizabeth, George Sr., George Jr., John and Flandings Meigs, Irene, George and Flenon Hanks, Mattie Carroll, Katie, Nathan and Henry I. Meigs, Harriet, Millie M., Mattie, Moses, Wesley and Edward W. Webber, Mary Beck, Edward Derrick and John Wright.

The record shows that Joe Ross, Chelara Grayson, Aaron Webber, Elizabeth Meigs, Peter Meigs (deceased) husband of Elizabeth Meigs, Sam Webber Sr., George Meigs Sr., Andrew Alberty, Samuel Beck and Edward Derrick were slaves of Cherokee citizens at the beginning of the war of the rebellion, and that during the war they left the Cherokee Nation; that Joe Ross, Peter Meigs and Sam Webber Sr., returned to the Nation in the summer or fall of 1866 and located claims upon the public domain of the Cherokee Nation; that they then returned to Kansas for their families and removed with them to the Cherokee Nation in the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck (wife of Samuel Beck) are daughters of Peter and Elizabeth Meigs, were born in the Cherokee Nation prior to their parents' removal to Kansas, and returned to the Cherokee Nation with them; George Meigs Sr., another child, returned with them at the same time. Millie M., Moses, Wesley and Edward W. Webber are the minor children of Harriet Webber and possess no rights to

enrollment except through their mother, their father Ellis Webber, not having returned to the Cherokee Nation on or before February 11, 1867. Mattie Webber is a daughter of Wesley Webber and one Elsey Rowe; Elsey Rowe was born since 1866 and is the daughter of Jesse Rowe, the rejection of whose claim was approved by the Department May 20, 1904. George Jr., John and Flemings Neigs and Irene Neigs are the children of George Neigs, Sr., and possess no rights to enrollment except through their father, their mother, Lucinda Neigs, born Towers, not being shown to possess any rights as a Cherokee Freedman; George and Flenon Neigs are the minor children of Irene Neigs and possess no rights to enrollment except through their mother. Mattie Carroll, Katie, Nathan and Henry T. Neigs were born since 1866 and are children of Simon and Fannie Neigs; Simon is the son of Peter and Elisabeth Neigs and returned to the Cherokee Nation with his parents. Fannie Neigs is not shown to possess any rights as a Cherokee Freedman. Andrew Alberty returned to the Cherokee Nation on or before February 11, 1867; his wife Elsie Alberty, is the daughter of Peter and Elisabeth Neigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Mattie, Charity, Nellie, Ben, Delia and Ed Alberty are their minor children born since 1866. Samuel Beck returned to the Cherokee Nation and established a residence therein prior to February 11, 1867, and has since continuously resided therein.

2 4

The minor applicant Laquittie Beck is the child of Samuel Beck and has resided with her father since birth.

Chilera Grayson returned to the Cherokee Nation with the Webbers, subsequent to February 11, 1867; her minor grand child, Gertrude Grayson, is the daughter of Arnstead Foster, who is identified on the 1866 authenticated Cherokee roll.

Edward Derrick returned to the Cherokee Nation the last of February or first of March, 1867; John Wright is his son born since 1866 and takes the status of his father.

Aaron Webber returned to the Cherokee Nation in the summer of 1866. Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and the applicants, Gertrude Grayson and Lizzie, Hattie, Charity, Nellie, Ben, Nellie and Ned Alberty have resided therein continuously since birth. None of the other applicants, nor any of their ancestors, through whom they claim, can be identified on the 1866 authenticated Cherokee roll.

There is also enclosed briefs in behalf of Edward Derrick and Mary Beck which have received due consideration.

In view of the record the approval of the Commissioner's decision is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

V. M. M.  
W.

COPY.

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

I.I.D. 7836-1906.  
8884-    "  
8900-    "

June 26, 1906.

L.A.S.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On April 17, 1906, the Commission to the Five Civilized Tribes transmitted for departmental consideration the record in the matter of the consolidated applications of Joe Ross, Chlera Grayson et al., Aaron Webber, Elizabeth Neigs, George Neigs, Sr., et al., John Neigs, Flemings Neigs, Irene Neaks et al., Hattie Carrell et al., Andrew Alberty et al., Harriet Webber et al., Moses Webber, Wesley Webber, Edward N. Webber, Samuel Beck et al., Edward Berriek, and John Wright, for enrollment as Cherokee freedmen, together with its decision dated April 17, 1906. There was also transmitted a general brief and argument for these applicants, prepared by their attorneys, also an argument on behalf of Edward Berriek, prepared by his attorney.

On September 7, 1906, the attorneys for the applicants filed motions for review in the matter of the applications of Joe Ross et al., Hattie Carrell et al., Elizabeth Neigs, Elizabeth Neigs et al., George Neigs, Sr., et al., Edward N. Webber, Harriett Webber, Moses Webber, and Wesley Webber et al.

No proper reason appears for granting said motions for review and they are hereby denied.

Reporting June 19, 1905, the Indian Office recommends that the decision of the Commission to the Five Civilized Tribes in this consolidated case be approved. A copy of its letter is inclosed.

A careful consideration of the record, together with the arguments submitted, leads the Department to the opinion that the Commission's decision is correct. The applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie Alberty, Mattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck, and Luquittie Beck are hereby approved, and you will enroll them as Cherokee freedmen. The applications for the enrollment of Orlena Grayson, Elizabeth Meigs, George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Irene Hanks, George Hanks, Ylomon Hanks, Mattie Carroll, Katie Meigs, Nathan Meigs, Henry T. Meigs, Harriett Webber, Millie M. Webber, Mattie Webber, Moses Webber, Wesley Webber, Edward W. Webber, Mary Beck, Edward Derrick, and John Wright as Cherokee freedmen are hereby denied.

Respectfully,

Jesse L. Wilson

Assistant Secretary.

1 inclosure.



Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Ohlera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.P-7  
EMP

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Louis T. Brown,

Attorney for Joe Ross, et al.,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Ohlera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. P-7  
MMP

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Blue & Bulger,  
Attorneys for Joe Ross, et al.,  
Dexter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al. and rejecting the applications for the enrollment of Chlera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by you September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-6  
MMP

Commissioner.

Cherokee  
freedman D. 408

Muskogee, Indian Territory, July 6, 1906.

Moses Webber ,  
Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by your attorneys September 7, 1905, for review of your case was denied by the Department on said date.

Respectfully,

Commissioner.

MCP

D.C. 58240-1906.

( COPY )

STARR & PATTEN,  
ATTORNEYS AT LAW,  
VINTA, I. T.

December 22nd 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes  
Muskogee I T

Dear Sir:

Referring to the Cherokee Freedmen Enrollment cases of  
Luella Swaden et al and Chelora Grayson et al we beg to advise you  
that we have repeatedly reminded these applicants that they ought  
to file all of the affidavits they can secure in support of their  
motion for rehearing and in as much as they have given the matter  
no further attention the case might as well be forwarded for Depart-  
mental action as soon as your office is ready for it to go forward  
as we have nothing further to offer in support of this motion for  
rehearing.

Yours truly,

(Signed) Starr & Patten,  
J.C.E.

Wadagee, Indian Territory, December 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed August 20, 1906, by Starr & Patton, attorneys for applicants, Vinita, Indian Territory, for a rehearing of the Cherokee Freedmen consolidated case of Joe Ross et. al. No. D. 300 et al., insofar as it rejects the applicant's Chlorea Grayson, et al. With their letter of October 10, 1906, said attorneys forwarded affidavits by Deak Vaux and Stephen Little, which they requested be filed in support of their motion, and they also requested that they be allowed thirty days within which to file additional affidavits in support of their motion. Since that time they have filed no new affidavits. These attorneys represent practically all of the Cherokee freedmen cases that are now pending, and they have filed a number of motions to review and reopen pending cases. They have also filed from time to time, affidavits and additional motions in support of their motions filed within the time limited by the Act of April 26, 1906. On December 21, 1906, said attorneys verbally advised the office that they had filed all of the papers they desire in connection with their motions.



Secretary-2

June 28, 1906 (I. T. D. 7533-8334-8900-1905), the Department affirmed the decision of the Commission to the Five Civilized Tribes favorable to a part of the applicants embraced in the Cherokee freedmen consolidated case of Joe Hess et al., and adverse to a part of the applicants therein. The motion referred to applies to applicants embraced in said case to whom the decision was adverse.

An examination of the original record in this case shows that the motion for a rehearing is without merit. The applicants in the case were represented in the hearing of the case by able attorneys, and a great mass of testimony was introduced in their behalf and on behalf of the Attorney for the Cherokee Nation. The motion is based upon the ground of newly discovered evidence, but there is no affidavit by any of the applicants showing that the evidence they now seek to introduce is newly discovered, or that with due diligence they could not have secured it when the case was heard before the commission. Both of the parties to the affidavits filed in support of the motion reside in the Cherokee Nation, and when the Commission was engaged in hearing Cherokee freedmen cases, they testified in a number of cases.

It is respectfully recommended that the motion for a rehearing be denied.

Secretary-3

There is enclosed a motion filed August 24, 1906, by Evelyn A. Givens, Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in said case. The protest of the Attorney for the Cherokee Nation, filed September 26, 1906, against this motion is also enclosed. The applicant, Mary Beck, was born prior to the breaking out of the war of the rebellion, and in accordance with the provisions of the Act of Congress approved April 26, 1906, ( 34 Stat., 137), she can not claim a constructive residence in the Cherokee Nation on account of her return to the Cherokee Nation of her father, Peter Weigs. The record in this case, as well as the records in various other Cherokee freedmen cases, shows that the family of Peter Weigs, and also the families of the persons with whom Peter Weigs returned to the Cherokee Nation after the war of the Rebellion, did not return to the Cherokee Nation until subsequent to February 11, 1867.

It is recommended that this motion for review be denied.

There is also enclosed a motion for review of the Cherokee freedman case of Edward Derrick, one of the applicants in said case. This motion was filed August 24, 1906, by Roy T. Osborne and W. J. Sullivan, attorneys for applicant. This motion

Secretary-4

has no merit, for the reason that it does not point out any erroneous construction of the law in the Department's decision. It is also respectfully recommended that this motion be denied.

Respectfully,

Through the

Commissioner of the Indian Affairs.

Encl. B-9

Commissioner.

(MH)

(COPY)

Refer in reply to the following:

Land.  
75-1907  
2937-1907  
55921-1906

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

January 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of the Commissioner to the Five Civilized Tribes, dated December 27, 1906, transmitting motion for a re-hearing in the Cherokee Freedman consolidated case of Joe Ross, et al., in so far as it rejects the applicants, Chlorea Grayson, et al.

This motion was filed with the Commissioner on August 20, 1906, by Starr and Patten, attorneys for the applicants, at Vinita, I. T. With their letter of October 10, 1906, the attorneys furnished the Commissioner affidavits by Dunk Vann and Stephen Little, to be filed in support of their motion.

On June 28, 1906 (I. T. B. 7538, 8884, 8900-1906), the Department affirmed the decision of the Commission favorable to a part of the applicants embraced in the Cherokee Freedman case Joe Ross, et al., and adverse to a part of them. The motion herein applies only to the applicants embraced in Departmental decision who were rejected thereby.

In connection herewith the attention of the Department is invited to a report of Commissioner Bixby dated January 7, 1907, which is transmitted on this day in connection with the

Cherokee Freedman case of Chlera Grayson, et al., with which is enclosed copy of letter from Starr and Patten, attorneys for the applicants, dated December 22, 1906, saying that they have repeatedly called the attention of the applicants to the necessity of filing further affidavits in support of their motion for a re-hearing, and that they have given the matter no further attention. For this reason they say they have nothing further to offer in support of the motion.

The record in this case shows that the applicants were represented in the hearing by able attorneys and a great mass of testimony was introduced on their behalf and on behalf of the attorneys for the Cherokee Nation. The motion is based on the ground of newly discovered evidence, but in view of the letter from the attorneys for the applicants saying that no further affidavits will be filed in support of the motion, and of the further fact that it is not shown that with due diligence the evidence could not have been secured when the case was heard before the Commission, it is recommended that the motion for re-hearing be denied.

There is also enclosed a motion filed with the Commissioner to the Five Civilized Tribes, August 24, 1906, by Zevely and Givens, of Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in the case of Joe Ross, et al. The pretest of the attorney for the Cherokee Nation, filed with the Commissioner September 26, 1906, against this

motion, is also forwarded herewith.

The record herein shows that Mary Beck was born prior to the breaking out of the War of the Rebellion, and in accordance with the provisions of the Act of April 26, 1906 (34 Stat. L., 137), she cannot claim a constructive residence in the Cherokee Nation on account of the return thereto of her father, Peter Meigs.

The record further shows that the family of Peter Meigs, and also the families of persons with whom he returned to the Cherokee Nation after the war, did not return until subsequent to February 11, 1867. It is recommended that this motion for review be denied also.

Edward Derrick, one of the applicants in the case of Joe Ross, et al., by his attorneys, Roy T. Osburn and W. J. Sullivan, filed a motion for re-hearing with the Commissioner on August 24, 1906, which is enclosed.

As this motion fails to point out any erroneous construction of the law in the Department's decision, it is recommended that it be denied.

The record in the case is herewith enclosed.

Very respectfully,

U. F. Larrabee,  
Acting Commissioner.

AJV-B



JF Jr

(COPY)

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

I.T.D.1368-1907  
D.C.6292-1907.

January 29, 1907.

LNS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On January 13, 1907 (Land 29:7), the Indian Office transmitted your report dated December 27, 1906, submitting for departmental consideration a motion for rehearing filed in behalf of Chlora Grayson et al., a motion for review filed in behalf of Mary Beck, and a motion for review filed in behalf of Edward Derrick, the last two motions involving persons who are parties to the first motion.

The attorney for the Cherokee Nation files protests which apparently covers nearly all of the parties named in the motions. Argument is also submitted by the attorneys for Edward Derrick.

You recommend, for reasons set forth in your report, that all the motions be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department has considered these motions, together with the few supporting affidavits filed, the argument of attorneys on behalf of the applicants and the nation, and the original

record. In regard to the motion for rehearing, the affidavits submitted show no evidence not heretofore considered by the Department. The record is voluminous, and it would appear that in the five years elapsing since the filing of this application ample time has been given to permit the applicants, by the exercise of due diligence, to have secured the necessary evidence to establish their rights to Cherokee freedom.

The motions for review point out no specific error; one alleges error in your decision, when in fact the decision in the case was made by the Commission to the Five Civilized Tribes.

The three motions transmitted are without merit. They are hereby denied.

The papers are returned for the files of the Indian Office.

Respectfully,

Thos Ryan  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 28 to Ind. Of.

Cherokee F.  
R 818

Muskogee, Indian Territory, February 15, 1907.

Moses Webber,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that a motion for rehearing of the Cherokee freedmen enrollment case of yourself, et al., filed by your attorneys, Starr & Patten, Vinita, Indian Territory, on August 20, 1906, was denied by the Secretary of the Interior, January 29, 1907.

Respectfully,

JMH

Commissioner.

Cherokee F.  
R 811

Muskogee, Indian Territory, February 15, 1907.

Starr & Patten,

Attorneys for Chlora Grayson, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that a motion, filed by you August 20, 1906, for a rehearing of the Cherokee freedmen enrollment case of Chlora Grayson, et al., was denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-2  
JMH

Commissioner.

Cherokee F.  
R 811 et al.

Muskogee, Indian Territory, February 15, 1907.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of Galera Graysen, et al., filed August 20, 1906, and motions for review of the Cherokee freedmen enrollment cases of Mary Beck and Edward Derrick, filed August 24, 1906, were denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-12  
JMH

Commissioner.

Cher. Fr. R 819

Cher. Fr. R-819

Trans. from Cher Fr. D 402



File with Cherokee Freedman, D. V.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 22d 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner O.R. Breckinridge, testified as follows:

- Q What is your name? A Elizabeth Meigs.
- Q How old are you? A I don't know my age.
- Q About how old are you? A I was four years old when we came here with the old settlers.
- Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
- Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
- Q What is your post office? A Centr lia.
- Q In what district do you live? A Jooweescoowee.
- Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
- Q Who do you want to have enrolled besides yourself? A My children.
- Q Have you any children under twenty-one years old? A No sir.
- Q They will have to apply for themselves then? A (No response)
- Q Have you a husband? A No sir he is dead.
- Q Then you only apply for yourself? A Yes sir.
- Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
- Q How long have you been called Meigs? A Ever since I was nothing but a girl.
- Q Were you married to a man named Meigs? A Peter Meigs.
- Q Is he dead? A Yes sir, five years ago in September.
- Q Was he a Cherokee Freedman? A Yes sir.
- Q Were you a slave in the Cherokee Nation before the war? A Yes sir
- Q To whom did you belong? A Reuben Daniel.
- The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.
- Q Are any of your family on that roll that you know of. A Yes, sir, Alice Sanders is on it, she is a daughter of mine, Alice is.
- The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:
- Page 125, No. 2658, Alice Sanders, Jooweescoowee district.
- The 1890 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.
- Q Did you draw your Cherokee strip money? A Yes sir.
- The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
- Page 100 No. 2512, Eliza Meigs, Jooweescoowee district.
- Q Did you ever go by the name of Daniel? A Yes sir then was my owners.
- The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
- Page 182, No. 40, Elizabeth Daniel.
- Note: Wife of Peter Meigs.
- Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
- Page 181, No. 2749, Elizabeth Meigs, Jooweescoowee district.
- Q Where were you during the Civil war? did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
- Q When did you come back? A In the winter of '65.

Q What time in the winter? A Well it was in the winter.

Q Was it before Christmas, or after Christmas? A His husband was down here in the Christmas.

Q When did he bring you down? A In the winter after he went from here on Big Creek.

Q He came ahead of you then? A Yes sir.

Q What time did he leave Kansas? A I cannot tell you when he first came.

Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '36.

Q Did he leave Kansas in the winter? A Yes sir.

Q Was he down here when Christmas came? A Yes sir.

Q Do you know how long it was before Christmas before he started to come here first? A No sir I don't.

Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.

Q How long after Christmas before you and he started down here together? A Directly after.

Q He spent Christmas that year in the Cherokee Nation by himself?

A Yes sir my husband did.

Q What members of your family came down with you and your husband?

A These children.

Q Did you bring your child Alice Sanders with you? A Yes sir.

Q All the children? A Yes sir.

Q Can you explain why you are not on the roll of 1890? A No sir.

Q Do you know why you are not on that roll? A No sir I don't know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.

Q Where were you living in Kansas then? A Fort Scott.

Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all came here.

Q Was it as much as a couple or three weeks? A Yes sir I guess so.

Q And then you started down here? A Yes sir.

Q Was it in the spring of the year when you reached here? A No sir in the winter.

Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there warent no buds nor nothing on the trees, it was winter I tells you.

Q You all came in wagons did you? A Yes sir.

Q Who came with your husband down here when he first came? A Old man Mike Sanders.

Q Who else? A Reuben Sanders.

Q Who else? A Daniel Sanders.

Q Anyone else that you remember? A There was Little Sam Webber and old man Sam Webber.

Q Any other Webber's? A Aaron Webber.

Q Did anyone else come down? A I don't remember anyone else now.

Q Were you there when they started town? A We all come together I am telling you.

Q But I mean when your husband come on in advance of you. Who came with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.

Q You were at Fort Scott then? A Yes sir.

Q And they all started together? A Yes sir.

Q These that you have named are all the you can think of at the present time? A Yes sir.

Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.

Q What time in the winter? A Well it was in the winter.  
 Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.  
 Q When did he bring you down? A In the winter after he went from here on Big Creek.  
 Q He came ahead of you then? A Yes sir.  
 Q What time did he leave Kansas? A I cannot tell you when he first came.  
 Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '88.  
 Q Did he leave Kansas in the winter? A Yes sir.  
 Q Was he down here when Christmas came? A Yes sir.  
 Q Do you know how long it was before Christmas before he started to come here first? A No sir I don't.  
 Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.  
 Q How long after Christmas before you and he started down here together? A Directly after.  
 Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.  
 Q What members of your family came down with you and your husband? A These children.  
 Q Did you bring your child Alice Sanders with you? A Yes sir.  
 Q All the children? A Yes sir.  
 Q Can you explain why you are not on the roll of 1880? A No sir.  
 Q Do you know why you are not on that roll? A No sir I don't know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.  
 Q Where were you living in Kansas then? A Fort Scott.  
 Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.  
 Q Was it as much as a couple or three weeks? A Yes sir I guess so.  
 Q And then you started down here? A Yes sir.  
 Q Was it in the spring of the year when you reached here? A No sir in the winter.  
 Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there weren't no buds nor nothing on the trees, it was winter I tells you.  
 Q You all came in wagons did you? A Yes sir.  
 Q Who came with your husband down here when he first came? A Old man Mike Sanders.  
 Q Who else? A Reuben Sanders.  
 Q Who else? A Daniel Sanders.  
 Q Anyone else that you remember? A There was Little Sam Webber and old man Sam Webber.  
 Q Any other Webber's? A Aaron Webber.  
 Q Did anyone else come down? A I don't remember anyone else now.  
 Q Were you there when they started town? A We all come together I am telling you.  
 Q But I mean when your husband come on in advance of you. Who came with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.  
 Q You were at Fort Scott then? A Yes sir.  
 Q And they all started together? A Yes sir.  
 Q These that you have named are all the you can think of at the present time? A Yes sir.  
 Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.

- Q And after Christmas you all came down did you? A Yes sir.
- Q Did you come in wagons then? A Yes sir.
- Q Did you come by a little place called Chetopa? A Yes sir.
- Q Where did you come to in the Cherokee Nation? A I came right where I am living yet when I came to the Cherokee Nation.
- Q And you are living there yet? A Yes sir, that old house was built in '86.
- Q What house? A That one we is living in.
- Q And you are living at the same old place? A Yes sir, in the same old house.
- Q On what creek is that? A Big Creek.
- Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
- Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
- Q Did you see anyone from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
- Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
- Q You all came back together? A Yes sir.
- Q Now Auntie, did any additional people - any other families come down with you? A I dont know who all come down, I am just telling you what I know.
- Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you?
- A Yes sir.
- Q Did Aaron Webber come? A Yes sir.
- Q And your family? A Yes sir.
- Q Are there any that I missed? A That is all that I gave you.
- Q Is that all that come? A Aaron Wright come with us.
- Q Who else? A (No response)
- Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
- Q You come to the place that you are living at now did you?
- A Yes sir and has lived there ever since.
- Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there
- Q Who? A Lunie Riley was there on Verdigris, but now where we was living.
- Q How far from where you settled? A I don't know how far.
- Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
- Q Were they the closest residents to you at that time? A Yes sir.
- Q Were there any Delaware Indians there when you come there? A No sir I never saw none.
- Q Any Osages? A No sir, never saw none.
- Q You didn't see anybody on Big Creek, neither white or back, except those that came with you? A That is all.
- Q And you have been there ever since? A Yes sir, ever since we moved there.
- Q You say your husband Peter Meigs built a house there? A There is a log house there and he bought the house and we moved to it.
- Q Who built the house if you know? A Henry Harold.
- Q Was he a colored man? A Yes sir.
- Q Is he living? A I don't know if he is or not.
- Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
- Q They didn't admit him then did they? A I don't know sir.
- Q You know he was disputed? A I dont know nothing about it, I never paid any attention to any such things as them then.



By the Commission:

Q Were you ever admitted by the Cherokee or United States Court or Commission? A I don't understand what you say.

Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my name was enrolled up before he died.

Q I mean in court? A That is what I am telling you.

Q You know what a court is don't you? A Yes sir.

Q What court do you know? A Not a Christian court.

Q Any other court that you know of? A I know of the Wallace court.

Q Any others? A No sir.

Q Did he ever have anything done about your case by the Cherokee Council? A I don't know what was done, he had went there every year or two but I don't know what was done there.

Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.

Q Have you any witnesses with you that you want to introduce?

A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner G. R. Brook-  
inridge, testified as follows on the part of the applicant.

(Examined by the Commission)

Q What is your name? A Ruben Sanders.

Q How old are you? A I suppose I am about 30.

Q What is your pastoffice? A Centralia.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.

Q Who did you belong to? A James Sanders.

Q Were you taken to Kansas during the war? A Yes sir.

Q You have a wife named Alice have you? A Yes sir.

Q How long have you and she been married? A About 20 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 175, No. 2867, Goupen Sanders, Cooweescoowee district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.

Q What court? A The Cherokee Court.

Q Is that the only one? A Yes sir that is the only one. I was admitted by the Cherokee Court.

Q Where was it sitting? A At Talliquah.

Q In what year was that? A I can't tell what year it was.

Q Your citizenship had been disputed had it? A Yes sir.

Q When was your right to citizenship first disputed? A It was during the time that Thompson Oochelita was chief.

Q Was that before the 1880 roll was made? A Yes sir.

Q Did the court decide in your favor? A Yes sir.

Q Was there any dispute made then about your being put on the 1880 roll? A No sir.

Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.

Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.

Q Where did they take your name? A I was in Pocumuck Road, at the time.

Q Do you know the applicant Elizabeth Hester? A Yes sir.

Q Your wife is her daughter? A Yes sir.

By F. V. Hastings:

Q Peter Henry, at Okemah, was disputed the same time yours was?

- A Yes, sir.
- Q Did he go before the court at the same time? A No sir, I think not.
- Q His wife's citizenship was also disputed? A I judge so.
- Q Did she go down before that court? A Not to my knowledge.
- Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
- Q Was Bob Daniels chief Justice of that court? A Yes sir.
- Q Just a few years after the war? A Yes sir.
- Q In '71 wasn't it? A Yes sir.
- Q Was any action taken in that court? A I don't know.
- Q You were there yourself? A No sir.
- Q You were about 16 or 18 years old when you came back? A Yes sir I guess so, I don't exactly know how old I was.
- Q You were not married then? A No sir.
- Q How long after you got back before you married? A Not very long after I got back.
- Q Did you marry on your way down here? A No sir.
- Q How long had you been here before you married? A I have been married twice.
- Q How long had you been here before you married the first time? A Not very long.
- Q As much as a year? A May be so.
- Q Is that your best judgment? A My best judgment is perhaps that it was that long.
- Q When were you married to your present wife? A Upwards of 30 years, or so.
- Q How long did you live with your first wife? A Not very long, she died.
- Q A Year? A Perhaps it was, maybe a little longer.
- Q Then you married your present wife? A Yes sir.
- Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
- Q The first time? A Yes sir.
- Q Who came with you? A Several were on horse-back; it is beyond my knowledge how many there were.
- Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
- Q Did you come in August? A Yes sir.
- Q Who came with you then? A Some of this family, Peter Meigs and got his place; the heads of these families.
- Q Who else came with you? A My brother Ben and the Whitmires.
- Q Which ones? A Several.
- Q Which ones? A Meigs and Daniels, and the Webbers.
- Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Rhames, and Abe Hair, and I don't know who else, I don't know who all came.
- Q Who came when you came in October? A I don't know who all came then, so a of that same crowd and some more came in October.
- Q Do you remember any additional persons? A It is the best of my knowledge the Smith family.
- Q What was his first name? A Old man Caesar Smith.
- Q You came in both of the detachments yourself? A Yes sir.
- Q Which one did you come in? A I came in August.
- Q You didn't come in October then? A Yes sir, I came when we first came; we brought some of our farming implements when we came in August and left the rest at the creek.
- Q On Big Creek? A Yes sir.
- Q Where Mrs. Meigs lives? A Yes sir.
- Q And you returned in October, how long did you stay in October?



A We didn't all return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.

Q When did you afterwards move here the first time? A In the winter of '88 is when we come down here the first time.

Q What time in the winter? A Long in January.

Q You mean in '87. A No in the winter of '88.

Q Is you come here in the August and October of '88 and then returned for your families and come back here in the following winter, in the following January or February, that would be in '89? A I don't understand you: we come here in the winter of '88 is what I said, in January after we had first been here in August and October, we come right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August or '88? A Yes sir.

Q What was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possibly can remember of who came with you in the January or February following?

A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Elmon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.

Q I don't mean only of that family, there were other families were there not? A Old man Willie Forman.

Q Who else? A He had several children.

Q The heads of families I mean? A Fannie Sanders; I don't recollect them all; I don't know as I can call the names of all of them.

Q Were any of the Webbers along? A Yes sir.

Q Old man Sam and young Sam? A Yes sir. I would not pretend to call them all over as I had forgotten them Webbers and so I can't remember for if I had forgotten them I don't think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.

Q Did his son Sam come? A Yes sir.

By W. W. Hastings:

Q Don't you remember anyone else? A Rachel Webber.

Q Do you think of anyone else? A No sir.

Q You know that is was a loaded question before the Texas Cattle Commission as to whom came at this time and as to when you came? A I haven't been interested as to anyone except for myself.

Q You know that there is a question about who came don't you? A Yes sir I guess I do.

Q You say you came to Big Creek? A Yes sir.

Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I don't know that they called it Chetopa then, there was a house or so there.

Q Did you cross the river there? A That river.

Q Neosho? A No sir.

Q You didn't cross at the Blister River? A No sir we crossed 20 or 30 miles from there.

Q You came through what is Chetopa and came on west through the prairie? A No May have.

Q You were in wagons? A Yes sir.

Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of anyone living there before that.

Q Were there any houses there except things that you would build?

A I don't know of any houses, but there were foundations for them at Big Creek.

Q That the houses were not built before you arrived there with your

families? A Yes sir some were, there were logs on some up 8 or 10 logs high.

Q Then there were none really completed until you moved there with your families? A No sir.

Q Did you make a crop there the first year that you moved there?

A Yes sir, as near as we could with some hard plows and hoes.

Q Do you know Jim Martin? A Yes sir.

Q How far does he live from you now? A 4, 5 or 6 miles.

Q Was he living there when you people moved there? A No sir.

Q He had a brother named William Martin? A Yes sir.

Q Was he living out there then? A No sir.

Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we came there.

Q Was his name Dick Carter? A I think it was.

Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He came some time after.

Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gilstrap ferry.

Q There was no farms back there when you passed through - no citizens had farms up there? A No sir none that I saw.

I - the Commission:

Q You stated, I believe, that the first time that you came to the Cherokee Nation after the Civil war closed was in August of '66?

A Yes sir.

Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.

Q You didn't bring your families with you then? A Only part of them and some things that we had.

Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you?

A No sir.

Q Did Peter Meigs bring any family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Kansas? A I think with my father.

Q You came yourself in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q When you returned to the Cherokee Nation again in October?

A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir not all of them came in October.

Q Whose was Peter Meigs in October? A He came with us at each trip.

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October?

A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That was the second time that Peter Meigs had been here?

A Yes sir.

Q There was Peter Meigs in Christmas of '66, do you know? A Yes sir I don't exactly know where he was in Christmas of '66.

Q When Peter Meigs got back to the Cherokee Nation with his family

did he settle in the Cherokee Nation near your father? A Yes sir.

Q How far apart? A Two or three hundred yards apart.

Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.

Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.

Q You said here then? A Yes sir.

Q When did you come? A In the winter.

Q Was it in February? A Must have been in December.

Q What about that February trip you spoke of? A It was in the winter some time, snow was on the ground.

Q Did your father come at that trip? A Yes sir.

Q Your mother? A Yes sir.

Q Peter Hedge? A Yes sir.

Q His wife? A Yes sir.

Q That was your third trip? A Yes sir.

Q Was that your last trip? A Yes sir.

Q When did your wife Alice come? A Same then.

Q On that third trip? A Yes sir.

Q You say Peter Hedge made all three trips with you? A Yes sir.

Q Every time you came he came? A Yes sir.

Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.

Q Did he go there by himself? A No sir.

Q Do you remember distinctly that you came here in August the first time? A Yes sir.

Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.

Q Do you remember distinctly that he came with his family when you made your third and last trip? A Yes sir.

Q With his family? A Yes sir.

By Geo. B. MacKinnage: The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil War. She is identified on the Ke-no-shilton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1890. The testimony indicates that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicates that the applicant's husband made a trip back to Kansas in October, not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by the Cherokee court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Cherokee court, concerning the citizenship of this applicant and her husband and all whom they may claim through them. It will be necessary to make further inquiry upon this subject, and if possible to get an official copy of the record. Under these conditions the applicant will now be listed for enrollment on a separate card and the final



decision of the Commission will be made known to her at her postoffice address.

Ghas. von Meise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above name and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Ghas. von Meise.  
Subscribed and sworn to before me this 20th of May, 1901, at Chelsea, I.T.

Signed, T. B. Needles,  
Commissioner.

Supplemental:

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 23, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman.

REUBEN SANDERS, having been before sworn by Commissioner Brockinridge, testified as follows:

Q Give your name? A Reuben Sanders.

Q How old are you? A I am only about 30 past.

Q You gave testimony just now in the case of Elizabeth Meigs?

A Yes sir.

Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1887, when we made the last move, about the first of the month; it was the following August in 1888; we had been here in August you know, in '86 and in October, and we made the last move in '87, January, and I put it down February I think; I wanted to say January.

Q How did you find out now it was January instead of February?

A It was just after Christmas that we was on the road coming down.

Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas - a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following - a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 30 years old; something in that line.

Q Where did you say that killing took place? A In Kansas.

Q Fort Scott? A Yes sir.

Q And the man that was accused of the killing was named what?

A Reuben Mackey.

Q You remember his first name? A No.

Q You remember the man who was killed, you got his name?

A No sir I do not.

Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No, I don't know anything about that part of it.

Q You know what county Ft. Scott is in? A No sir.  
Q Who called your attention to this error? A I thought so myself:  
I called my own attention to it; I was studying over it; I did.  
Q You know how it was only a few days after Christmas? A Yes sir,  
a few days after Christmas.

Com'r Breckinridge: This statement will be filed as  
supplemental in the Elizabeth Meigs case, to be considered in  
connection with the former statement of the witness, and the  
other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he correctly recorded  
the testimony and proceedings in this case and that the foregoing is  
a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,

Subscribed and sworn to before me this May 23, 1901.

Signed, C. R. Breckinridge,

Commissioner.

Bruce O. Jones, being duly sworn, says that as stenographer to  
the Commission to the Five Civilized Tribes he copied the foregoing,  
and the same is a true and correct copy from the original.

Bruce O. Jones

Sworn to and subscribed before me this the 20th of August, 1901.



Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 23, 1901.

In the matter of the application of Hattie Carell for the enrollment of herself, sister, Katie Meigs and two brothers, Nathan and Henry T. Meigs, as Cherokee Freedmen; being sworn and examined by Commissioner Breckinridge, she testified as follows:

- Q Give us your full name? A Hattie Carell.  
Q How old are you? A I am 21.  
Q What is your post-office? A Wimer.  
Q In what district do you live? A Coowessawowa.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Do you want to apply for anybody besides yourself? A Yes sir, my sister and two brothers.  
Q How old is your sister? A 17.  
Q Is she an orphan? A Yes sir.  
Q Two brothers you say, are they full brothers? A Yes sir.  
Q Are they under 21 years of age? A Yes sir.  
Q That's all is it? A Yes sir.  
Q Have you a husband? A Yes sir.  
Q What is he, a state man? A Yes sir.  
Q How long have you been married to him? A 2 months.  
Q How long have you lived in the Cherokee Nation? A All my life.  
Q Give me the name of your father? A Simon Meigs.  
Q Is your father alive? A No sir.  
Q How long has your father been dead? A He has been dead 2 years.  
Q Give me the name of your mother? A Fannie Meigs.  
Q Is she alive? A No sir.  
Q How long has she been dead? A 10 years.  
Q Was your father a Cherokee Freedman? A Yes sir.  
Q Who was his father? A Peter Meigs.  
Q And who was his mother? A Elizabeth Meigs.  
Q She is alive now? A Yes sir.  
Q And Peter is dead? A Yes sir.  
Q Is George Meigs an uncle of yours? A Yes sir.  
Q Elizabeth Meigs is that old lady who was applied for yesterday? A Yes sir.  
Q Was your mother a Cherokee Freedman? A Yes sir.  
Q When were you married? A 2 months ago.

HARRIET WEBBER, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q You have been ~~sworn~~ sworn, give your name there again? A Harriet Webber.  
Q About how old are you? A About 30 or 40.  
Q What is your post-office? A Wimer.  
Q How long have you lived in the Cherokee Nation? A All my life.  
Q Do you know this applicant here? A Yes sir.  
Q Is she married? A Yes sir.  
Q What is her name now? A Hattie Carell.  
Q What was her name before she married? A Hattie Meigs.  
Q What was the name of her father? A Simon Meigs.  
Q And her mother? A Fannie Meigs.  
Q About how long has this woman been married? A About 2 months.  
Q ~~Next~~  
Applicant recalled:  
Q What is your husband's full name? A Elliott Carell.  
Q Give me the name of your sister? A Katie Meigs.  
Q How old is she? A 17.  
Q Is she alive now? A Yes sir.  
Q Has she lived in the Cherokee Nation all her life? A Yes sir.  
Q Give me the names of your brothers? A Nathan Meigs.  
Q How old is he? A 19.



Hattie Carroll et al 2

- Q Give me the name of the next brother? A Henry Meigs.  
Q How old is he? A 14.  
Q Are they both living now? A Yes sir.  
Q You say these are full brothers? A Yes sir.  
Q And this is a full sister of yours? A Yes sir.  
Q How old was your mother, Fannie, when she died? A I don't know, sir.  
Q Do you know who her mother was? A Katie Thornton.  
Q Is Katie Thornton dead? A No sir.  
Q And give me the name of your mother's father? A Henry Thornton  
Q Is he dead? A Yes sir.  
Q How long has he been dead? A I don't know sir.  
Q Before you can remember? A No sir.  
Q Has Katie Thornton ~~been said~~ borne the name of Thornton ever since you can remember? A Yes sir.  
Q Does she still bear that name? A Yes sir.  
Q You remember Henry Thornton do you? A Yes sir, I remember him.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant, for applicant's parents, and for applicant's sister and brothers applied for, and names of none of them are found thereon.

1896 census roll of citizens of the Cherokee Nation examined for applicant, for applicant's parents, and for applicant's brothers and sister applied for, and names not found thereon.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant found as follows:  
page 101 #2521 Hattie Meigs, Cooweescoowee District.

Wallace roll for citizens of the Cherokee Nation examined and applicants identified as follows:  
page 128 #2688 Hattie Meigs, Cooweescoowee District;  
Kerns-Clifton roll of citizens of the Cherokee Nation,  
page 101 #2522 Kate Meigs, Cooweescoowee District;  
page 101 #2520 Nathan Meigs, Cooweescoowee District.

- Q Who is Turner Meigs? A That's part of my brother's name.  
Q Is his name Henry T.? A Yes sir.

page 101 #2523 Turner Meigs, Cooweescoowee District.

Wallace roll of citizens of the Cherokee Nation examined for Kate Meigs, and ~~found~~ not found;  
Wallace roll of citizens of the Cherokee Nation,  
page 184 #2387 Nathan Meigs, (No district given.)  
Wallace roll of citizens of the Cherokee Nation examined for Henry T., and name not found.

- Q All of these children have the same post-office address as you?  
A Yes sir.

Com'r Breckinridge: The applicant applies for the enrollment of herself, a minor sister and two minor brothers; the applicant is identified on the Wallace and Kerns Clifton rolls, but not upon the 1880 roll or upon the roll of 1896; she is 21 years of age; her change of name arising from marriage is established in a satisfactory manner; she is a daughter of Simon and Fannie Meigs, both deceased; as regards the applicant's grandmother, Fannie, she is not identified up on the roll of 1880 or upon that of 1896, and her mother, who is said to be still living, is not identified upon the roll of 1880, nor is her father, who is said to have died within the memory of the applicant, and hence of necessity since the making of the roll of 1880, found upon the roll of that year; there is no evidence, therefore, that the applicant derives any

Hattie Carell et al 3

right through her mother, and so far as can be seen at this time, whatever right she derives is exclusively through her deceased father, Simon Meigs; he was a son of Elizabeth Meigs, whose case was taken on yesterday, and the evidence shows that Elizabeth Meigs and her children all came to the Cherokee Nation from Kansas after the War at the same time; therefore, reference is made to her case for fuller evidence respecting the right of the applicant, and a copy of the testimony in that case will be filed herewith. She makes no application for her husband, who she states is a state man, and to whom she has been married two months; as regards her sister, Katie Meigs, and her two brothers, Nathan and Henry Turner Meigs, what has been said of the applicant's case is applicable to theirs, as they are children of the same father and mother; they are now living; they have been identified on the Ferns-Clifton roll and one of them, Nathan, on the Wallace roll, and these children will be listed for enrollment as Cherokee Freedmen on a doubtful card; the final decision of the Commission will be made known to these applicants at their post-office address when it has been rendered by the Commission.

-----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*M.D. Green*

Subscribed and sworn to before me this May 24, 1901.

*W. H. Keating*

Commissioner.

File with Cherokee Freedman D-408, Mattie Carroll.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al. for  
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;  
J. B. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that  
sometime next week the applicant intends to introduce as wit-  
nesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders,  
and Sam Weber, for the purpose of showing that all the appli-  
cants in this case returned to the Cherokee Nation during the  
time prescribed by the Ninth Article of the Treaty of 1886.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous resi-  
dence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, tes-  
tified as follows:

Mr. Davenport: What is your name? A Robert Meigs.

Q Where do you live? A I live five miles southwest of Tahlequah.

Q What is your postoffice? A Park Hill is my postoffice.

Q How old are you? A I am 56 my next birthday.

Q How long have you lived in the Cherokee Nation? A I have lived  
here all my life except a little while time of the war, from '84 to  
'66.

Q Did your people own any slaves before the war? A Yes sir.

Q Do you know whether they owned a woman by the name of Elizabeth?

A No, sir.

Q Do you know whether or not they owned her mother, or anybody of  
the family? A Elizabeth, no, sir.

Q Well, did you know Peter Meigs? A Yes, sir.

Q Do you know what his wife's name was when the war broke out?

A Betsy they called her.

Q Well, was she living, Betsy, at the time the war broke out?

A Yes, sir.

Q Well, did you ever know her by any other name than Betsy?

A Bettie.

Q Where was Peter Meigs and his family at the breaking out of the  
war? A Well Peter was with us at home at the breaking out, but he  
and his wife was up there somewhere near the Dutch Mills on the  
Arkansas line.

Q Well I wish you would look at that woman there and see if she  
is the woman you knew as Betsy or Bettie or whatever you knew her by  
(indicating applicant)? A Yes, I think that is the one, I have never  
seen her but once.

Q That is since the war? A I just saw her once in my life and  
that was time of the war, after the war.

Q Did you ever see Peter Meigs and his family after the war? A Yes,  
sir, saw Uncle Peter.

Q What year was that? A Sometime after '71.

Q What were the circumstances as to your seeing him or meeting him?  
A He had come down to Council to see about fixing up his  
rights, and he came down to visit my brother John, we were right  
together, and I went up there to see him.

Q Did you have a conversation with him as to his having a conversa-  
tion with your brother John in your hearing where he and his wife  
were present in regard to his right as when he returned? A Yes, sir.

Q. Give that conversation as near as you can.

A. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q. He should now state what the conversation was between you? A. He was coming about returning, he said he came down here in the fall of '66 and intended to make him a place somewhere on Big Creek and his family and I with him, and afterwards when he returned why it was too late when he brought his family.

Q. Did you ever see any other members of his family excepting he and his wife at the time you speak of? A. No, sir; just him and his wife is all, I wasn't acquainted with the children.

Q. Do you know where he was living at that time? A. He said he was living on Big Creek somewhere.

Q. That was in what year? A. This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A. Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q. He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A. He said he came down and started to make him a home.

Q. In the fall of '66? A. Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A. Went back after his family.

Q. And he stayed up there till when he came back down here it was too late: is that what he told you? A. Yes, sir.

L. T. Brown: Now long did he tell you he stayed up there in Kansas after he made the first trip? A. He didn't state, I believe he gave but one day.

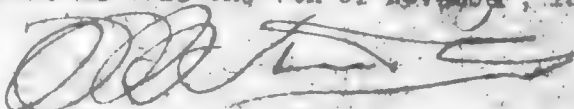
Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-397, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

*Bruce C. Jones*

Sworn to and subscribed before me this 7th of November, 1901.



Commissioner.



File with Cherokee Freedmen D-402, Rattie Carroll.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 18, 1901.

In the matter of the application of Elizabeth Meigs et al. for  
enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Applicants:

L. T. Brown, agent for applicants;  
L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testifies as follows:

Q L. T. Brown: State your name? A Daniel Sanders.  
Q What is your age? A About 58.  
Q What is your postoffice address? A Centralia.  
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.  
Q Does your name appear upon the authenticated roll of 1881?  
A I think it does.  
Q You know Elizabeth Meigs and George Meigs? A Yes, sir.  
Q What relation is George Meigs to Elizabeth Meigs? A Her son.  
Q Did you know Peter Meigs during his life time? A Yes, sir.  
Q Do you know whether Peter Meigs, Elizabeth Meigs and George  
Meigs were out of the Cherokee Nation during the war? A Yes, sir.  
Q When did they return to the Cherokee Nation? A They came in '68.  
Q With whom did they return? A They came with me and my father  
and the Webbers.  
Q Have they had a continuous residence in the Cherokee Nation ever  
since? A Yes, sir.  
Q Mr. Bell: Then did you come to the Cherokee Nation yourself after  
the war? A In '68.  
Q What time of the year? A First of December.  
Q That was the first time? A Yes, sir.  
Q When did you make your second trip? A Along in first part of  
January.  
Q That was January, 1867? A Yes, sir.  
Q Now which one of those trips was it that Peter and his family  
came with you? A They came both times.  
Q Came both times? A Yes, sir, the old man came the first time  
and then the last time the family came.  
Q Peter came with you alone the first time? A Yes, sir.  
Q Then the second time he brought his family? A Yes, sir.  
Q What did his family consist of? A Mary, George, Alice, Harry,  
Simon, and Perry.  
Q Then was his children? A Then was his children.  
Q And he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part  
of the record in the case at bar and part of the record in  
D-394, D-395, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce O. Jones, being duly sworn, says that as stenographer to the  
Commission to the Five Civilized Tribes he correctly recorded the pro-  
ceedings and testimony in the above case, and the foregoing is a true  
and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of November, 1901.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. May, 13, 1902.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.  
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

- MR. HASTINGS: What is your name? A. Mrs. Lydia Barton.
- Q What is your office? A. Fort Scott, Kansas.
- Q Do you hold any official position at the present time? A. Yes, sir.
- Q What is it? A. County Clerk.
- Q Of the county in which Fort Scott is located? A. Yes, sir.
- Q Have you an official paper? A. Yes, sir.
- Q What is it? A. Our official paper at the present time is the Republic, but that changes you know from time to time.
- Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A. Yes, sir.
- Q What was it? A. The Fort Scott Monitor.
- Q Are you required to keep files of this paper in your office? A. We are.
- Q Have you a file of the official paper including December 22, 1866, up to and including March of 1867? A. Yes, sir. (Here presents files.)
- MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 20, 1866, found on the second column of the editorial page, headed "Another Murder."
- MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.
- COMMISSIONER: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder."

Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 22nd inst., after dark, Mr. Dyer Hayford, of this city, was found murdered. A colored man, named Eli Hackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen, being missed almost immediately, and learning that Hackey had taken it, and was then on his way home with it, (Hackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.



substitution was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Mangrove was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Varden, and R. L. Phillips. The body of Mr. Hayford having been removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Mrs. J. S. Redfield and S. F. Herler had a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been fatal.

Alonso Gulling (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; I asked who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour, but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot; before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lander, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and one afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown over the bank. Was found about twenty yards from Mackey's house. Did Mackey have a revolver on Friday the day Berphe Hayford was killed?

E. C. H. Myers, sworn - I live about 100 yards east of Eli Mackey's. Saturday night was at home sick about midnight came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer. I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard the call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neill, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo; ran out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself ran down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Fargrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

**MR. HASTINGS:** I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

**MR. HASTINGS:** The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

**"A Chapter of Horrors.**

**Murderer of Hayford Captured and Hung.**

Tragic events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 26th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He staggered to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the meantime a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and cropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Hefford last winter. All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetery where it was interred.

#### Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning.

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '86, December? A I have lived there ever since '82.

Q Did you know Dyer Hayford? A Yes, sir.

Q Had you known him before December '86. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q Who? A Eli Mackey.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called Deacon Jones.



- Q That this other man here with you? A Yes, sir.
- Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. From the time the shots fired I wouldn't it was more than twenty minutes.
- Q Twenty minutes? A Yes, sir.
- Q Had it become generally known at the time of the arrest? A No, sir.
- Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
- Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
- Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
- Q Was he put in jail? A Yes, sir.
- Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 26th I think it was.
- Q Of February following, of '67? A Yes, sir.
- Q Well did he make his escape? A He got away.
- Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
- Q Ed Coe was the turnkey was he? A Yes, sir.
- Q I will ask you then if there was any searching parties out for this man? Yes, sir.
- Q For how long? I think he was killed on the 20th of March.
- Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
- Q Well were there quite a number of people out searching for him? A Yes, sir.
- Q Considerable excitement at that time? A Yes, sir.
- Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
- Q Up until that time? Yes, sir.
- Q You say that was for about three weeks? A Yes, sir, something over three weeks.
- Q From the 26th of February up until about the 20th of March? A Yes, sir.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
- Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
- Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
- Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
- Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
- Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
- Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

- MR. HASTINGS: What is your name? A H. C. Jones.
- Q What is your postoffice? A Fort Scott.
- Q Kansas? A Kansas, yes, sir.
- Q What is your age, please sir? A 66.
- Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.
- Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
- Q What office was that? A City marshal, called town constable.
- Q You was a city policeman? A Yes, sir.
- Q Did you assist in his first arrest? A I did.
- Q Who assisted you in the arrest? A Mr. Benjamin Files.
- Q This man that's present here? A Yes, sir.
- Q Did you hear the shots that killed Hayford? A I did.
- Q How soon after Hayford was killed was Mackey arrested, Eli Mackey? A 20 or 25 minutes, inside of a half hour at most.
- Q Very short time? A Yes, sir.
- Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
- Q People didn't generally know it up to that time? A No, sir.
- Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
- Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
- Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
- Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
- Q He made his escape then? A He made his escape, yes, sir, at the time.
- Q You know how long he was at large? A Well I put it something like three weeks.
- Q I will ask you if there was any searches at that time made for him? A You mean after?
- Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
- Q Reward offered for him? A Yes, sir, reward offered.
- Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
- Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.
- COMMISSION: You are positive about those dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.
- Q '67? A In '68 the killing was done.
- Q Few days before Christmas of '66? A Yes, sir.



MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-218, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775, and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(Signed) Philip G. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

*Arthur G. Evans*

Subscribed and sworn to before me this 23rd day of July, 1902.

*Philip G. Reuter*  
Notary Public.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-218, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775, and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(Signed) Philip G. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

*Arthur G. Evans.*

Subscribed and sworn to before me this 23rd day of July, 1902.

*Philip G. Reuter*  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
CHEROKEE LAND OFFICE.  
October 17, 1906.

Cherokee F.R.819.-----

In the matter of the enrollment as a freedman citizen of the Cherokee Nation of Katie Meigs.

Katie Grayson, being first duly sworn by B.P.Rasmus a notary public, was examined on behalf of the Commissioner and testified as follows:

Q What is your name? Ans. Katie Grayson.  
Q What is your age? Ans. 22 .  
Q Are you a claimant to enrollment as a freedman citizen of the Cherokee Nation?  
A Yes, sir.  
Q Under what name were you enrolled?  
A Katie Meigs.  
Q What was your mother's name?  
A Fannie Meigs.  
Q What was your father's name?  
A Simon Meigs.  
Q Are you married? And. Yes, sir.  
Q What is your husband's name? Ans. Hector Grayson.  
Q Of what Nation is he a citizen? Ans. Creek Nation.  
Q When were you married? Ans. December 20, 1902.  
Q Four years ago? Ans. Yes, sir.  
Q Are you and Hector Grayson living together at the present time?  
A Yes, sir.

Witness Excused.

I, George A. Lowell, being first duly sworn state that as stenographer to the Commissioner to the ~~Five~~ Five Civilized Tribes I recorded the testimony in the above entitled proceeding and that the foregoing is a true and correct transcript of my stenographic notes thereof.

*George A. Lowell*

Subscribed and sworn to before me this 17 day of October, 1906.

*B. P. Rasmus*  
Notary Public.



Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '68 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late: is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

\*\*\*\*\*

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

*Bruce S. Jones*

Sworn to and subscribed before me this the 7th of November, 1901.

*[Signature]*

Commissioner.



File with Cherokee Freedman D-402, Mattie Carroll.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:

L. T. Brown, agent for applicants.

L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.

What is your age? A About 80.

What is your postoffice address? A Centralia.

Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Does your name appear upon the authenticated roll of 1880?

A I think it does.

You know Elizabeth Meigs and George Meigs? A Yes, sir.

What relation is George Meigs to Elizabeth Meigs? A Her son.

Did you know Peter Meigs during his life time? A Yes, sir.

Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.

When did they return to the Cherokee Nation? A They came in '66.

With whom did they return? A They came with me and my father and the Webbers.

Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.

Q What time of the year? A First of December.

Q That was the first time? A Yes, sir.

Q When did you make your second trip? A Along in first part of January.

Q That was January, 1867? A Yes, sir.

Q Now which one of these trips was it that Peter and his family came with you? A They came both times.

Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.

Q Peter came with you alone the first time? A Yes, sir.

Q Was the second time he brought his family? A Yes, sir.

Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.

Q How many children? A There was his children.

Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

\*\*\*\*\*  
Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 19th day of November, 1901.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Joe Ross,.....	Cherokee Freedmen D-380
Glora Grayson, et al.,.....	Cherokee Freedmen D-492
Aaron Webber,.....	Cherokee Freedmen D-816
Elizabeth Meigs,.....	Cherokee Freedmen D-391
George Meigs, Sr., et al.,.....	Cherokee Freedmen D-394
John Meigs,.....	Cherokee Freedmen D-396
Flemings Meigs,.....	Cherokee Freedmen D-398
Irene Hanks, et al.,.....	Cherokee Freedmen D-401
Hattie Carrell, et al.,.....	Cherokee Freedmen D-402
Andrew Alberty, et al.,.....	Cherokee Freedmen D-404
Harriett Webber, et al.,.....	Cherokee Freedmen D-407
Moses Webber,.....	Cherokee Freedmen D-408
Wesley Webber,.....	Cherokee Freedmen D-409
Edward E. Webber,.....	Cherokee Freedmen D-410
Samuel Beck, et al.,.....	Cherokee Freedmen D-775
Edward Wright,.....	Cherokee Freedmen D-818
John Wright,.....	Cherokee Freedmen D-854.

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Joe Ross, for himself; by Joe Ross, for his sister, Glora Grayson, and her minor child, Gertrude; by Aaron Webber, for himself; by Elizabeth Meigs, for herself; by George Meigs, Sr., for himself, his wife, Matilda Meigs, and minor son, George Meigs, Jr. (Matilda Meigs is differently classified and is not embraced in this decision); by John Meigs, for himself; by Flemings Meigs, for himself; by Irene Hanks, for herself and minor child, George Hanks; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Flomen Hanks; by Hattie Carrell, for herself, her sister, Katie Meigs, and brothers, Nathan and Henry T. Meigs; by Elizabeth Alberty, for herself, her husband, Andrew Alberty, and minor children, Mattie, Charity, Nellie, Ben and Sally Alberty; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriett Webber, for herself and minor child, Millie M., and her ward, Hattie Webber; by Moses Webber, for himself; by Wesley Webber for himself; by Edward E. Webber, for himself; by Samuel Beck, for himself, his wife, Mary Beck, and minor child, Inquittie; by Edward Wright, for himself, and by John Wright, for himself.

The evidence shows that Joe Ross, one Peter Meigs, now deceased, husband of Elizabeth Meigs, Moses Webber, Sr., father of Aaron Webber, George Meigs, Sr., Chilora Grayson, Samuel Beck and Andrew Alberty, were slaves of Cherokee citizens at the commencement of the War of the Rebellion, and that during said War they left the Cherokee Nation.

Said Joe Ross, Peter Meigs and Moses Webber, Sr., returned to the Cherokee Nation in the fall of 1866, and located a claim on the public domain of the Cherokee Nation; they then went back to Kansas for their wives and families, and returned with them to said Nation in February or March, 1867.

Elizabeth Alberty, wife of Andrew Alberty, Mary Beck, wife of Samuel Beck, and Harriett Webber, are children of said Elizabeth Alberty, who has been born since 1866, were miners at the time of their parents' return to the Cherokee Nation. The said Elizabeth Alberty desires to be enrolled as Lizzie Alberty. Moses Webber, Wesley Webber and Edward W. Webber are children of said Harriett Webber, and have all been born since 1866.

George Meigs, Sr., returned with his father and mother to the Cherokee Nation in February or March, 1867, and was of age at that time.

John Meigs, Flemings Meigs and Irene Hanks have been born since 1866, and are children of, and claim right to enrollment through, the said George Meigs, Sr. The names of the said George Meigs, Sr., John Meigs, Flemings Meigs and Irene Hanks, are not found on the 1880 authenticated roll of the Cherokee Nation.

Chilora Grayson returned to the Cherokee Nation with her brother, Joe Ross, in February or March, 1867. She was then married and not a member of the family of Joe Ross, at the time of his return to the Cherokee Nation. Her name is not found on the 1880 authenticated roll of the Cherokee Nation. Her minor child, Gertrude, takes only such rights as are possessed by her mother.

Samuel Beck did not return to and establish his residence in the Cherokee Nation until after January 19, 1867. His name is not found on the 1880 authenticated roll of the Cherokee Nation.

Andrew Alberty returned to the Cherokee Nation and established a residence therein in 1866.

Hattie Carroll, Katie Meigs, Nathan Meigs and Henry T. Meigs have been born since 1866, and are the children of one Simon Meigs, and claim their right to enrollment through him. The evidence does not show that the said Simon Meigs was the slave of a Cherokee citizen, or free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion, who was residing therein on July 19, 1866, or within six months thereafter. The names of the said Simon Meigs, Hattie Carroll, and Nathan and Henry T. Meigs, are not found on the 1880 authenticated roll of the Cherokee Nation.

Aaron Webber has been born since 1866, and is the son of Moses Webber, Sr., who is identified on the 1880 authenticated roll of the Cherokee Nation as adopted colored. It is presumed from this enrollment that the Cherokee Nation recognized that Moses Webber, Sr., complied with the terms of the treaty of 1866. Edward Wright is the step-son of said Moses Webber, Sr., and was a miner and a member of the family of said Moses Webber, Sr., when he returned with them to the Cherokee Nation in February or March, 1867. John Wright is the son of Edward Wright, and takes the status of his father.

Mattie Webber, included in the application of said Harriett Webber, is the daughter of Jesse and Missie Ree. The evidence does not show that the said Jesse or Missie Ree, or any of their ancestors, were ever slaves of Cherokee citizens, or free colored persons residing in the Cherokee Nation at the beginning of the War of the Rebellion. The names of said Harriett Webber, Jesse Ree and Missie Ree are not found on the 1866 authenticated roll of the Cherokee Nation.

The evidence further shows that Joe Ross, Elizabeth Meigs, Andrew Alberty, Mary Beck, Harriett Webber and Edward Wright have resided in the Cherokee Nation continuously since their return thereto, as above mentioned; that all the applicants herein, born since 1866, have resided in the Cherokee Nation continuously since birth.

It is, therefore, the opinion of this Commission, that Aaron Webber, having been born since 1866, should be enrolled as a Cherokee Freedman, and that Joe Ross, Elizabeth Meigs, Andrew Alberty, Lizzie Alberty, Mattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dolly Alberty, Ned Alberty, Harriett Webber, Millie M. Webber, Moses Webber, Wesley Webber, Edward H. Webber, Mary Beck, Luquittie Beck, Edward Wright and John Wright should also be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 25, 1896 (30 Stats., 495); it is further the opinion of this Commission that the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Mattie Carell, Katie Meigs, Nathan Meigs, Henry T. Meigs, Irene Hanks, George Hanks, Flomen Hanks, Ohlora Grayson, Gertrude Grayson, Mattie Webber and Samuel Beck, should be denied, under the provisions of said Section twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*James Kirby*

(SIGNED)

(SIGNED)

*C. R. Breckinridge*

(SIGNED)

*W. E. Stanley*

Muskogee, Indian Territory,

this JUL 10 1903

C. H. McR.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al., for enrollment as Cherokee Freedmen, consolidating the application of ----

Joe Ross,	Cherokee Freedmen D-380,
Chilera Grayson, et al.,	Cherokee Freedmen D-496,
Aaron Webber,	Cherokee Freedmen D-816,
Elizabeth Neigs,	Cherokee Freedmen D-391,
George Neigs, Sr., et al.,	Cherokee Freedmen D-394,
John Neigs,	Cherokee Freedmen D- 394,
Flemings Neigs,	Cherokee Freedmen D-398,
Irene Hanks, et al.,	Cherokee Freedmen D-401,
Hattie Carroll, et al.,	Cherokee Freedmen D-403,
Andrew Alberty, et al.,	Cherokee Freedmen D-404,
Harriet Webber et al.,	Cherokee Freedmen D-407,
Moses Webber,	Cherokee Freedmen D-408,
Wesley Webber,	Cherokee Freedmen D-409,
Edward N. Webber,	Cherokee Freedmen D-410,
Samuel Beck, et al.,	Cherokee Freedmen D- 776,
Edward Derrick,	Cherokee Freedmen D-816,
John Wright,	Cherokee Freedmen D-834.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Joe Ross for himself; by Joe Ross for his sister, Chilera Grayson and her minor grandchild, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Neigs for herself; by George Neigs, Sr., for himself, his wife Matilda Neigs, and his minor son, George Neigs, Jr., (the said Matilda Neigs, being differently classified, is not embraced in this decision); by John Neigs for himself; by Flemings Neigs for himself; by Irene Hanks for herself and her minor son, George Hanks; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Flenan Hanks; by Hattie Carroll for herself, her sister, Katie Neigs, and her brothers, Nathan and Henry T. Neigs; by Elizabeth Alberty for herself, her husband Andrew Alberty, and her minor children, Hattie, Charity, Nellie, Ben and Dollie Alberty; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriet Webber for herself and minor child, Millie N. Webber, and minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward N. Webber for himself; by Samuel Beck for himself, his wife Mary, and his minor child, Luquittie Beck; by Edward Wright for himself; and by John Wright for himself.



On July 10, 1903, the Commission rendered its decision in this consolidated case, which was forwarded to the department for its consideration, and on August 31, 1903, the Commission requested that the record relative to the application of Chlera Grayson et al., party applicants in this consolidated case, be returned for reconsideration, and on Oct. 3, 1903, the Department complied with said request of the Commission and returned said record and decision. On June 17, 1904, further proceedings were had in the matter of the application for the enrollment of Chlera Grayson, et al.

The record herein shows that on April 1, 1902, the Commission received a letter from the applicant in Cherokee Freedmen D-404, heretofore listed for enrollment as Elizabeth Albany, wherein she states that she desires to be enrolled as Lizzie Albany, and she will accordingly be considered in this decision under the last mentioned name. On June 6, 1904, the applicant in Cherokee Freedmen D-518, appeared before the Commission at Tahlequah, Indian Territory, and testified that his correct name was Edward Devrick, under which name he will be considered in this decision.

The evidence shows that Joe Ross, Chlera Grayson, Aaron Webber, Elizabeth Meigs, Peter Meigs, now deceased, husband of Elizabeth Meigs, Sam Webber, Sr., George Meigs, Sr., Andrew Albany, Samuel Beck and Edward Wright, were slaves of Cherokee citizens at the commencement of the rebellion, and that during said rebellion they left the Cherokee Nation; the said Joe Ross, Peter Meigs and Sam Webber, Sr., returned to the Cherokee Nation in the summer or fall of 1866 and located some claims upon the public domain of the Cherokee Nation; they then returned to the State of Kansas for their families, and removed with them to the Cherokee Nation during the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck, wife of Samuel Beck, are daughters of Peter and Elizabeth Meigs, and were born in the Cherokee Nation prior to their parents removal to the State of Kansas, and returned to the Cherokee Nation with them; George Meigs, Sr., another child of Peter and Elizabeth Meigs returned to the Cherokee Nation with his parents at the time above mentioned. Millie M. Webber, Moses Webber, Wesley Webber and Edward E. Webber are the minor children of Harriet Webber, and possess no rights to enrollment except through their said mother, their father, Ellis Webber, not having returned to the Cherokee Nation within the time necessary to acquire rights as a Cherokee Freedman. Mattie Webber, included in the application of Harriet Webber, et al., is a daughter of Wesley Webber, Cherokee Freedmen D-407, and one Eliza Rowe; it appears that the said Eliza Rowe was born since 1866, and is the daughter of one Jesse Rowe, whose application for enrollment as a Cherokee Freedman was denied by this Commission, and which decision was approved by the Department on May 28, 1904. George Meigs, Jr., John Meigs, Fleming Meigs and Irene Hanks, are the children of George Meigs, Sr., and possess no rights to enrollment except through their said father, their mother, Lucinda Meigs, nee Towars, not being shown to possess any rights as a Cherokee Freedman; George Hanks and Fleming Hanks are the minor children of Irene Hanks, and possess no rights to enrollment as Cherokee Freedmen except through their said mother.

Mattie Carroll, Katie Meigs, Nathan Meigs and Henry F. Meigs have been born since 1866, and are the children of Simon Meigs and Fannie Meigs; the said Simon Meigs is the son of Peter and Elizabeth Meigs and returned to the Cherokee Nation with his parents the latter part of February or first of March, 1867; their mother, Fannie Meigs is not shown to possess any rights as a Cherokee Freedman, and in the absence of such showing it will be presumed that she possesses no such rights.

Andrew Alberty returned to the Cherokee Nation with his step-father, Peter Hudson, and the Commission have heretofore found, in the case of Peter Hudson, Cherokee Freedmen D-604, that the said Peter Hudson returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation, and his enrollment was approved by the Secretary of the Interior, April 29, 1904; his wife, Lissie Alberty, is the daughter of Peter and Elizabeth Neigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, are their minor children, born since 1866.

Samuel Beck returned to the Cherokee Nation and established a residence therein within the time specified in the decree of the Court of Claims above referred to, and has since continuously resided in said Nation. The minor applicant, Luquittie Beck, is the child of said Samuel Beck, and has continuously resided with her father since birth.

Chlora Grayson returned to the Cherokee Nation at the time the Webbers returned with their families, which was too late to acquire any rights, under Article nine of the Cherokee treaty of 1866; her minor grandchild, Gertrude Grayson, for whom she makes application, is the daughter of Armstead Foster, who is identified on the 1880 authenticated Cherokee tribal roll.

Edward Derrick returned to the Cherokee Nation with his mother, Katie Whitmire, and his step-father, Moss Whitmire, at the time the Whitmires and Webbers brought their families to the Cherokee Nation, which, from the evidence, is shown to have been the latter part of February or the first of March, 1867; John Wright is a son of Edward Derrick, born since 1866, and takes the status of his said father.

Aaron Webber returned to the Cherokee Nation with his brother, Sam Webber, in the summer of 1866.

It appears that Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and that the applicants, Gertrude Grayson, Lissie Alberty, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, have resided continuously in the Cherokee Nation since birth. None of the other applicants herein nor any of their ancestors through whom they claim, can be identified upon the 1880 authenticated Cherokee tribal roll.

It is, therefore, the opinion of this Commission that Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lissie Alberty, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck and Luquittie Beck, should be enrolled as Cherokee Freedmen; and that the applications for the enrollment of Chlora Grayson, Elizabeth Neigs, George Neigs, Sr., George Neigs, Jr., John Neigs, Flemings Neigs, Irene Hanks, George Hanks, Flamon Hanks, Hattie Garrell, Katie Neigs, Nathan Neigs, Henry T. Neigs, Harriet Webber, Millie M. Webber, Hattie Webber, Moses Webber, Wesley Webber, Edward W. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES  
SIGNED

TAMM BIXBY.

Chairman.

SIGNED T. B. WARDLES

Commissioner.

SIGNED C. B. BRACKENRIDGE.

Commissioner.

Dated Muskogee, Indian Territory,  
this APR. 17, 1905.



# AFFIDAVIT

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT

In the matter of the application of Hattie  
for enrollment as a Cherokee Freedman.

No. F. D. 402

James Cack, of lawful age, being duly sworn on  
oath states that on the 12 day of September, A. D., 1901, he registered  
to Hattie Carell whose postoffice is Winner

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto  
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;  
and that on the 23 day of September, 1901, he received the return  
card which is hereto attached, signed by the said Hattie Carell, showing  
that he had received said notice.

Subscribed and sworn to before me on this the 23 day of Sept, A. D. 1901.

J. C. Seale  
Notary Public.

MY COMMISSION EXPIRES  
MAY 26th, 1902.

921702

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the within  
notice on.....

by delivering a true copy thereof on the  
..... day of..... A. D. 1901.

Given under my hand this.....  
day..... A. D. 1901.

.....  
Marshal for Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the  
..... day of....., 1901.

.....  
Attorney for applicant.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT.

I do solemnly swear that I delivered a  
true copy of the within notice to.....

on the..... day of..... A. D. 1901

Subscribed and sworn to before me  
this..... day of..... A. D. 1901.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
SEP 23 1901

 ACTING COMMISSIONER

# NOTICE!

*IN THE MATTER OF* The application of Hattie Carrell  
for enrollment as a Cherokee Freedman:

Case No. F. D. 402

To Hattie Carrell Weimer I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 23d at 8 o'clock A. M.  
A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 12th day of Sept., 1901.

W. W. Hastings  
J. S. Davenport  
Attorneys for the Cherokee Nation.

COMMISSIONERS

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,  
SECRETARY

20th Sept. 10/19/01

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
Hattie Marshall et al for enrollment as  
Freedmen of the Cherokee Nation.

No. S. D. 402

Louis T. Brown  
(Agent for Applicant)

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Hattie Carroll,

Wimer, I.T.

Cherokee F-D-402

Register

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

B. J. 402 -

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
MAY 23 1901



ACTING CHAIRMAN.





00PY!

Cherokee Freedmen  
B-580 do.

Muskogee, Indian Territory, July 17, 1908.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1908, in the consolidated case of Joe Ross, et al., granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Meigs, Andrew, Lizzie, Mattie, Charity, Mollie, Ben, Bellie and Ned Alberty, Harriett, Millie M., Moses, Wesley and Edward N. Webber, Mary and Luquittie Beck, Edward Wright and John Wright, and rejecting the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John and Flemings Meigs, Mattie Carrell, Katie, Nathan and Henry T. Meigs, Irene, George and Flossie Hanks, Chelera and Gertrude Grayson, Mattie Webber and Samuel Beck, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

B. E.

Enc. H-22.

Commissioner in Charge.

COPY

Cherokee F.D-775  
491-8-4-7-398-6-4-  
1

Muskogee, Indian Territory, August 27, 1903.

Louis T. Brown,

Agent for Mary Beek et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Joe Ross et al., granting, among others, the applications for the enrollment of Mary and Luquittie Beek, Harriett and Millie M. Webber, Elizabeth Meigs, Andrew, Lizzie, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty, and rejecting the applications for the enrollment of Samuel Beek, Hattie Webber, Hattie Carroll, Katie, Nathan and Henry T. Meigs, Irene, George and Florence Hooks, Fleming and John Meigs, George Meigs Sr., and George Meigs Jr., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. F. Waller*  
Commissioner in Charge.

Enc. D-95

Register.

Cherokee Freedmen  
D-402

COPY

Muskogee, Indian Territory, August 17, 1903

Hattie Carell,

Wimer, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself, your sister, Katie Meigs, and your two brothers, Nathan and Henry T. Meigs, as Cherokee freedmen. There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles*

Commissioner in Charge,

Enc. D-09  
Register.

CCP

Cherokee Freedmen  
D-350 et al.

Muskogee, Indian Territory, August 17, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Joe Ross et al., including the Commission's decision dated July 10, 1903, granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Meigs, Andrew, Lizzie, Hattie, Charity, Nellie, Ben, Dolly and Ned Alberty, Harriett and Millie M. Webber, Moses, Wesley and Edward M. Webber, Mary and Luquittie Beek and Edward and John Wright, and rejecting the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John and Fleming Meigs, Hattie Carell, Katie, Nathan and Henry T. Meigs, Irene, George and Fleming Hanks, Chlera and Gertrude Grayson, Hattie Webber and Samuel Beek, as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

At the request of the attorney for the Nation there are also enclosed two copies of his general brief in the Cherokee freed-



-2-

new enrollment, which he desires to have considered in connection with these cases.

Respectfully,

*T. B. Nacoles*  
Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

Enc. D-113

LAM  
53553-1903.  
56859-1903  
61805-1903.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

A.C.T.

Washington, Oct. 2, 1903.

To the Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

In accordance with the request contained in your report of August 31, 1903, the record relative to the application of Clara Grayson, et al., parties applicants to the Joe Ross, et al. case, is returned. There is also enclosed the affidavit of Samuel Beck, a party to the case, which was filed in this office by Chester Howe, Esq., of this city, who requested that action be suspended on the case for a reasonable time in order that Samuel Beck might secure further and additional proof in relation to his right to enrollment. Mr. Howe has been advised of this action.

Very respectfully,

(Signed) W. A. Jones.  
Commissioner.  
A.C.T.

G.A.W.-L.C.

COPY.

Charles Crockett

W-277, et al.

Muskogee, Indian Territory, April 17, 1906.

Louis E. Brown,

Attorney for Harriet Walker, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1906, rejecting, among others, the applications for the enrollment of Harriet, Willie M. and Mattie Walker, Mattie Carroll, Katie, Nathan, Henry T., Fleming, John, Elizabeth, George W. and George Waige Jr., Irene, George and Mammie Hanks, and granting, among others, the application for the enrollment of Andrew, Linnie, Mattie, Charity, Nellie, Sam, Nellie and Ned Alberry, as Cherokee Creekmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) *Tame Dixby*  
Chairman.

Incl. 9-42  
Register.

Copy

Cherokee Freedmen  
D-400, et al.

Muskogee, Indian Territory, April 17, 1906.

Well, Hastings & Newport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1906, granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Mattie, Charity, Nellie, Ben, Nellie and Ned Alberty, Samuel and Eugenie Beck, and rejecting the applications for the enrollment of Chisora Grayson, Elizabeth, George H., George Jr., John and Fleming Neign, Irene, George and Flossie Hanks, Mattie Carroll, Katie, Nathan and Henry T. Neign, Harriet, Millie H., Mattie, Moses, Wesley and Edward H. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 2-62.

SIGNED

Tamm Dixby  
Chairman.

COPY

Cherokee Freedmen  
D-152, et al.

Washington, Indian Territory, April 17, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the report of proceedings had in the matter of the applications for the enrollment of Joe Ross, et al., as Cherokee freedmen, including the Commission's decision dated April 17, 1906, granting the applications for the enrollment of Joe Ross, Sartrute Grayson, Aaron Webber, Andrew, Lissie, Mattie, Charity, Nellie, Ben, Nellie and Ned Alberty, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Eldora Grayson, Elizabeth, George Sr., George Jr., John and Fleming Weigs, Irene, George and Florence Hanks, Mattie Carroll, Katie, Nathan and Henry T. Weigs, Harriet, Willie M., Mattie, Hester, Wesley and Edward I. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee freedmen.

Respectfully,

(SIGNED) *Jame Dixby*  
Chairman.

Incl. 5-66

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

D-403.

Muskogee, Indian Territory, April 17, 1906.

Hattie Carroll,

Wimer, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1906, rejecting, among others, the application for the enrollment of yourself, your sister, Katie Neigs, and your brothers, Nathan and Henry T. Neigs, as Cherokee freedmen. There has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 8-50  
Register

(SIGNED) *Tams Birby*  
Chairman



C O P Y .

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington.

Land.  
20700-1905.  
45225-1905.  
44620-1905.

June 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 17, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Joe Ross for himself, his sister Chlera Grayson and her minor grand child, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Weigs for herself; by George Weigs, Sr., for himself and his minor son, George Weigs, Jr.; by John Weigs for himself; by Fleming Weigs for himself; by Irene Hanks for herself and her minor children, George and Florence Hanks; by Mattie Carroll for herself, her sister, Katie Weigs, and her brothers, Nathan and Henry T. Weigs; by Lizzie Alberty for herself, her husband, Andrew Alberty, and her minor children, Mattie, Charity, Mellic, Ben, Dollie and Ned Alberty; by Harriet Webber for herself, her minor child, Willie M. Webber, and her minor ward, Mattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward W. Webber for himself; by Samuel Beck for himself; his wife, Mary and his minor child, Luquittie Beck; by Edward Derrick for himself; and by John Wright for

himself.

April 17, 1905, the Commission decided favorably to Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Mattie Charity, Nellie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck and adversely to Chlara Grayson, Elizabeth, George Sr., George Jr., John and Flemings Meigs, Irene, George and Flenon Hanks, Mattie Carroll, Katie, Nathan and Henry T. Meigs, Harriet, Millie M., Hattie, Moses, Wesley and Edward N. Webber, Mary Beck, Edward Perriek and John Wright.

The record shows that Joe Ross, Chlara Grayson, Aaron Webber, Elizabeth Meigs, Peter Meigs (deceased) husband of Elizabeth Meigs, Sam Webber Sr., George Meigs Sr., Andrew Alberty, Samuel Beck and Edward Perriek were slaves of Cherokee citizens at the beginning of the war of the rebellion, and that during the war they left the Cherokee Nation; that Joe Ross, Peter Meigs and Sam Webber Sr., returned to the Nation in the summer or fall of 1866 and located claims upon the public domain of the Cherokee Nation; that they then returned to Kansas for their families and removed with them to the Cherokee Nation in the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck (wife of Samuel Beck) are daughters of Peter and Elizabeth Meigs, were born in the Cherokee Nation prior to their parents removal to Kansas, and returned to the Cherokee Nation with them; George Meigs Sr., another child, returned with them at the same time. Millie M., Moses Wesley and Edward N. Webber are the minor children of Harriet Webber and possess no rights to

enrollment except through their mother, their father Ellis Webber, not having returned to the Cherokee Nation on or before February 11, 1867. Hattie Webber is a daughter of Wesley Webber and one Missy Rowe; Missy Rowe was born since 1866 and is the daughter of Jesse Rowe, the rejection of whose claim was approved by the Department May 20, 1894. George Jr., John and Hiram Hays and Irene Hays are the children of George Hays, Sr., and possess no rights to enrollment except through their father, their mother, Lucinda Hays, born Towers, not being shown to possess any rights as a Cherokee Freedman; George and Flossie Hays are the minor children of Irene Hays and possess no rights to enrollment except through their mother. Hattie Carroll, Katie, Nathan and Henry T. Hays were born since 1866 and are children of Simon and Fannie Hays; Simon is the son of Peter and Elizabeth Hays and returned to the Cherokee Nation with his parents. Fannie Hays is not shown to possess any rights as a Cherokee Freedman. Andrew Alberty returned to the Cherokee Nation on or before February 11, 1867; his wife Lizzie Alberty, is the daughter of Peter and Elizabeth Hays, and was born in the Cherokee Nation after the return of her parents thereto. The applicants Hattie, Charity, Nellie, Ben, Delle and Ned Alberty are their minor children born since 1866. Samuel Beck returned to the Cherokee Nation and established a residence therein prior to February 11, 1867, and has since continuously resided therein.

The minor applicant, Luquittie Beck is the child of Samuel Beck and has resided with her father since birth.

Chalera Grayson returned to the Cherokee Nation with the Webbers, subsequent to February 11, 1867; her minor grand child, Gertrude Grayson, is the daughter of Armstead Foster, who is identified on the 1880 authenticated Cherokee roll.

Edward Berriak returned to the Cherokee Nation the last of February or first of March, 1867. John Wright is his son born since 1866 and takes the status of his father.

Aaron Webber returned to the Cherokee Nation in the summer of 1866. Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and the applicants, Gertrude Grayson and Lizzie, Hattie, Charity, Mollie, Ben, Delle and Ned Alberty have resided therein continuously since birth. None of the other applicants, nor any of their ancestors, through whom they claim, can be identified on the 1880 authenticated Cherokee roll.

There is also enclosed briefs in behalf of Edward Berriak and Mary Beck which have received due consideration.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

C O P Y .

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 7538-1905.

8884- "

8900- "

June 25, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On April 17, 1905, the Commission to the Five Civilized Tribes transmitted for departmental consideration the record in the matter of the consolidated applications of Joe Ross, Chlera Grayson et al., Aaron Webber, Elizabeth Meigs, George Meigs, Sr., et al., John Meigs, Flemings Meigs, Irene Hanks et al., Hattie Carell et al., Andrew Alberty et al., Harriet Webber et al., Moses Webber, Wesley Webber, Edward N. Webber, Samuel Beck et al, Edward Derrick, and John Wright, for enrollment as Cherokee freedmen, together with its decision dated April 17, 1905. There was also transmitted a general brief and argument for these applicants, prepared by their attorneys, also an argument on behalf of Edward Derrick, prepared by his attorney.

On September 7, 1905, the attorneys for the applicants filed motions for review in the matter of the application of Joe Ross et al., Hattie Carell et al., Elizabeth Meigs, Elizabeth Meigs et al., George Meigs, Sr., et al., Edward N. Webber, Harriet Webber, Moses Webber, and Wesley Webber et al.

No proper reason appears for granting said motions for review and they are hereby denied.

Reporting June 19, 1905, the Indian Office recommends that the decision of the Commission to the Five Civilized Tribes in this consolidated case be approved. A copy of its letter is inclosed.

A careful consideration of the record, together with the arguments submitted, leads the Department to the opinion that the Commission's decision is correct. The applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie Alberty, Hattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dellie Alberty, Ned Alberty, Samuel Beck, and Luquittie Beck are hereby approved, and you will enroll them as Cherokee freedmen. The applications for the enrollment of Chlera Grayson, Elizabeth Meigs, George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Irene Hanks, George Hanks, Glemmon Hanks, Hattie Carell, Katie Meigs, Nathan Meigs, Henry T. Meigs, Harriet Webber, Millie M. Webber, Hattie Webber, Moses Webber, Wesley Webber, Edward H. Webber, Mary Beck, Edward Derrick, and John Wright as Cherokee freedmen are hereby denied.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inclosure.



Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. P-7  
MCP

Cherokee freed-  
men D. 380 et al.

Muskogee, Indian Territory, July 6, 1906.

Louis T. Brown,  
Attorney for Joe Ross, et al.,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlora Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. P-7  
MMP

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Blue & Bulger,

Attorneys for Joe Ross, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al. and rejecting the applications for the enrollment of Chlera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by you September 7, 1906, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-6  
MMP

Commissioner.

Cherokee freed-  
man D. 402

Muskogee, Indian Territory, July 6, 1906.

Hattie Carell,  
Wimer, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, rejecting, among others, your application for the enrollment of yourself, your sister, Katie Meigs, and brothers, Nathan and Henry T. Meigs, as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by your attorneys September 7, 1906, for review of your case was denied by the Department on said date.

Respectfully,

Commissioner.

MMP

D.C. 55346-1904.

( COPY )

STARR & PATTON,  
ATTORNEYS AT LAW,  
VINETA, I. T.

December 22nd 1904.

The Honorable,

The Commissioner to the Five Civilized Tribes  
Muskogee I T

Dear Sir:

Referring to the Cherokee Freedmen Enrollment cases of  
Isella Swain et al and Chlera Grayson et al we beg to advise you  
that we have repeatedly reminded these applicants that they ought  
to file all of the affidavits they can secure in support of their  
motion for rehearing and in as much as they have given the matter  
no further attention the case might as well be forwarded for Depart-  
mental action as soon as your office is ready for it to go forward  
as we have nothing further to offer in support of this motion for  
rehearing.

Yours truly,

(Signed) Starr & Patton,  
I.C.B.

Madagee, Indian Territory, December 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed August 20, 1906, by Starr & Patton, attorneys for applicants, Viniga, Indian Territory, for a rehearing of the Cherokee Freedmen consolidated case of Joe Ross et. al. No. D. 380 et al., insofar as it rejects the applicants Chlera Grayson, et al. With their letter of October 10, 1906, said attorneys forwarded affidavits by Dunk Vann and Stephen Little, which they requested be filed in support of their motion, and they also requested that they be allowed thirty days within which to file additional affidavits in support of their motion. Since that time they have filed no new affidavits. These attorneys represent practically all of the Cherokee freedmen cases that are now pending, and they have filed a number of motions to review and reopen pending cases. They have also filed from time to time, affidavits and additional motions in support of their motions filed within the time limited by the Act of April 18, 1906. On December 21, 1906, said attorneys verbally advised the office that they had filed all of the papers they desire in connection with their motions.



Secretary-2

June 25, 1906 (I. T. D. 7538-8284-8900-1905), the Department affirmed the decision of the Commission to the Five Civilized Tribes favorable to a part of the applicants embraced in the Cherokee freedmen consolidated case of Joe Ross et al., and adverse to a part of the applicants therein. The motion referred to applies to applicants embraced in said case to whom the decision was adverse.

An examination of the original record in this case shows that the motion for a rehearing is without merit. The applicants in the case were represented in the hearing of the case by able attorneys, and a great mass of testimony was introduced in their behalf and on behalf of the Attorney for the Cherokee Nation. The motion is based upon the ground of newly discovered evidence, but there is no affidavit by any of the applicants showing that the evidence they now seek to introduce is newly discovered, or that with due diligence they could not have secured it when the case was heard before the commission. Both of the parties to the affidavits filed in support of the motion reside in the Cherokee Nation, and when the Commission was engaged in hearing Cherokee freedmen cases, they testified in a number of cases.

It is respectfully recommended that the motion for a rehearing be denied.

Secretary-3

There is enclosed a motion filed August 24, 1906, by Zevely & Givens, Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in said case. The protest of the Attorney for the Cherokee Nation, filed September 26, 1906, against this motion is also enclosed. The applicant, Mary Beck, was born prior to the breaking out of the war of the rebellion, and in accordance with the provisions of the Act of Congress approved April 26, 1906, ( 34 Stat., 137), she can not claim a constructive residence in the Cherokee Nation on account of her return to the Cherokee Nation of her father, Peter Weigs. The record in this case, as well as the records in various other Cherokee freedmen cases, shows that the family of Peter Weigs, and also the families of the persons with whom Peter Weigs returned to the Cherokee Nation after the war of the Rebellion, did not return to the Cherokee Nation until subsequent to February 11, 1867.

It is recommended that this motion for review be denied.

There is also enclosed a motion for review of the Cherokee freedman case of Edward Derrick, one of the applicants in said case. This motion was filed August 24, 1906, by Roy T. Osborne and W. J. Sullivan, attorneys for applicant. This motion

Secretary-4

has no merit, for the reason that it does not point out any erroneous construction of the law in the Department's decision. It is also respectfully recommended that this motion be denied.

Respectfully,

Through the

Commissioner of the Indian Affairs.

Encl. B-9

Commissioner.

(MH)

(COPY)

Refer in reply to the following:

Land.  
75-1907  
2937-1907  
53921-1906

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

January 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of the Commissioner to the Five Civilized Tribes, dated December 27, 1906, transmitting motion for a re-hearing in the Cherokee Freedman consolidated case of Joe Ross, et al., in so far as it rejects the applicants, Chlera Grayson, et al.

This motion was filed with the Commissioner on August 20, 1906, by Starr and Patton, attorneys for the applicants, at Vinita, I. T. With their letter of October 10, 1906, the attorneys furnished the Commissioner affidavits by Mark Vann and Stephen Little, to be filed in support of their motion.

On June 26, 1906 (I. T. R. 7538, 8354, 8900-1906), the Department affirmed the decision of the Commissioner favorable to a part of the applicants embraced in the Cherokee Freedman case Joe Ross, et al., and adverse to a part of them. The motion herein applies only to the applicants embraced in Departmental decision who were rejected thereby.

In connection herewith the attention of the Department is invited to a report of Commissioner Nixby dated January 7, 1907, which is transmitted on this day in connection with the

Cherokee Freedman case of Chisara Grayson, et al., with which is enclosed copy of letter from Starr and Patten, attorneys for the applicants, dated December 22, 1906, saying that they have repeatedly called the attention of the applicants to the necessity of filing further affidavits in support of their motion for a re-hearing, and that they have given the matter no further attention. For this reason they say they have nothing further to offer in support of the motion.

The record in this case shows that the applicants were represented in the hearing by able attorneys and a great mass of testimony was introduced on their behalf and on behalf of the attorneys for the Cherokee Nation. The motion is based on the ground of newly discovered evidence, but in view of the letter from the attorneys for the applicants saying that no further affidavits will be filed in support of the motion, and of the further fact that it is not shown that with due diligence the evidence could not have been secured when the case was heard before the Commission, it is recommended that the motion for re-hearing be denied.

There is also enclosed a motion filed with the Commissioner to the Five Civilized Tribes, August 24, 1906, by Zevely and Givens, of Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in the case of Joe Ross, et al. The protest of the attorney for the Cherokee Nation, filed with the Commissioner September 26, 1906, against this

motion, is also forwarded herewith.

The record herein shows that Mary Beck was born prior to the breaking out of the War of the Rebellion, and in accordance with the provisions of the Act of April 26, 1906 (34 Stat. L., 137), she cannot claim a constructive residence in the Cherokee Nation on account of the return thereto of her father, Peter Neigs.

The record further shows that the family of Peter Neigs, and also the families of persons with whom he returned to the Cherokee Nation after the war, did not return until subsequent to February 11, 1867. It is recommended that this motion for review be denied also.

Edward Derrick, one of the applicants in the case of Joe Ross, et al., by his attorneys, Roy T. Osborne and W. J. Sullivan, filed a motion for re-hearing with the Commissioner on August 24, 1906, which is enclosed.

As this motion fails to point out any erroneous construction of the law in the Department's decision, it is recommended that it be denied.

The record in the case is herewith enclosed.

Very respectfully,

C. F. Larrabee,  
Acting Commissioner.

AJW-D



JP Jr

(COPY)

DEPARTMENT OF THE INTERIOR, LIE  
WASHINGTON.

I.T.D. 1368-1907  
D.C. 4292-1907.

January 29, 1907.

LSB

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On January 18, 1907 (Land 2937), the Indian Office transmitted your report dated December 27, 1906, submitting for departmental consideration a motion for rehearing filed in behalf of Chlera Grayson et al., a motion for review filed in behalf of Mary Beck, and a motion for review filed in behalf of Edward Derriek, the last two motions involving persons who are parties to the first motion.

The attorney for the Cherokee Nation files protests which apparently covers nearly all of the parties named in the motions. Argument is also submitted by the attorneys for Edward Derriek.

You recommend, for reasons set forth in your report, that all the motions be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department has considered these motions, together with the few supporting affidavits filed, the argument of attorneys on behalf of the applicants and the nation, and the original

record. In regard to the motion for rehearing, the affidavits submitted show no evidence not heretofore considered by the Department. The record is voluminous, and it would appear that in the five years elapsing since the filing of this application ample time has been given to permit the applicants, by the exercise of due diligence, to have secured the necessary evidence to establish their rights as Cherokee freedmen.

The motions for review point out no specific errors, and alleges error in your decision, when in fact the decision in the case was made by the Commission to the Five Civilized Tribes.

The three motions transmitted are without merit. They are hereby denied.

The papers are returned for the files of the Indian Office.

Respectfully,

Thos Ryan  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 28 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee F.  
R 819

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 15, 1907.

Hattie Carell,

Wimer, Indian Territory.

Dear Madam:

You are hereby advised that a motion for rehearing of the Cherokee freedmen enrollment case of yourself, et al., filed by your attorneys, Starr & Patten, Vinita, Indian Territory, on August 20, 1906, was denied by the Secretary of the Interior, January 29, 1907.

Respectfully,

JMH

Commissioner.

Charles F.  
Hill.

Washington, Indian Territory, February 13, 1907.

Starr & Patten,  
Attorneys for Chlera Grayson, et al.,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that a motion, filed by you August 20, 1906, for a rehearing of the Cherokee freedmen enrollment case of Chlera Grayson, et al., was denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. H-1  
JMH

Commissioner.

Cherokee F.  
R 811 et al.

Muskogee, Indian Territory, February 15, 1907.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of Chlora Grayson, et al., filed August 20, 1906, and motions for review of the Cherokee freedmen enrollment cases of Mary Beck and Edward Derrick, filed August 24, 1906, were denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-12  
JMH

Commissioner.

IND. 1214



1



Cher. Fr. R 820

Cher. Fr. R - 820

Trans. from Cher. D - 398

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 22, 1901.

In the matter of the application of Flemings Meigs for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, he testified as follows:

- Q Give us your name? A Flemings Meigs.  
Q How old are you? A About 21 or 2.  
Q What is your post-office? A Vinita.  
Q In what district do you live? A Cooweescoowee.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Do you want to apply for anybody besides yourself? A No sir.  
Q How long have you lived in the Cherokee Nation? A All my days.  
Q Give me the name of your father? A George Meigs.  
Q He is alive, is he? A Yes sir.  
Q Give me the name of your mother? A Cindy Meigs.  
Q She is alive is she? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation  
examined and applicant not found;  
1896 census roll of citizens of the Cherokee Nation examined  
and applicant not found;

Kerns-Clifton pay roll of citizens of the Cherokee Nation  
examined and applicant found on  
page 128 #3191 Flemings Meigs, Cooweescoowee District;

Wallace roll of citizens of the Cherokee Nation examined  
and applicant identified on  
page 127 #2663 Flemings Meigs, Cooweescoowee District.

- Q Do you call yourself Flemings? A Yes sir.

Com'r Breckinridge: The applicant states that he has lived in the Cherokee Nation all his life; he is identified on the Kerns-Clifton roll and on the Wallace roll as a Cherokee Freedman; he is 21 years of age, and he is not identified on the roll of 1880 or upon that of 1896; he will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to him at his post-office address; for fuller evidence in this case reference is made to the application of his father, George Meigs, Sr. whose case has just been taken, and also the case of his grand-mother, Elizabeth Meigs, whose case has been taken in the course of this day.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes the recd.

Subscribed and sworn to before me this May 23, 1901.

*A. Breckinridge*

Commissioner.

Since I was with  
for Meigs.

new of. A res

of the district  
of the district and the

of air.  
tion examined and  
follows:  
the district.

the district  
a few years ago  
and the

100-443887-100

and the  
and  
and

DO NOT WRITE IN THESE SPACES

RECORDED 6118710  
GIVE YOU ONE OF  
THE NEW  
BOOKS

Q What time in the winter? A Well it was in the winter.  
 Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.  
 Q When did he bring you down? A In the winter after he went from here at Big Creek.  
 Q How long ahead of you then? A Yes sir.  
 Q What time did he leave Kansas? A I cannot tell you when he first came.  
 Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '34.  
 Q Did he leave Kansas in the winter? A Yes sir.  
 Q Was he down here when Christmas came? A Yes sir.  
 Q Do you know how long it was before Christmas before he started to come here first? A No sir I don't.  
 Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.  
 Q How long after Christmas before you and he started down here together? A Directly after.  
 Q He spent Christmas that year in the Cherokee Nation by himself?  
 A Yes sir my husband did.  
 Q What members of your family came down with you and your husband?  
 A These children.  
 Q Did you bring your child Alice Sanders with you? A Yes sir.  
 Q All the children? A Yes sir.  
 Q Can you explain why you are not on the roll of 1880? A No sir.  
 Q Do you know why you are not on that roll? A No sir I don't know nothing about the rolls.

By M. W. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.  
 Q Where were you living in Kansas then? A Fort Scott.  
 Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.  
 Q Was it as quick as a couple or three weeks? A Yes sir I guess so.  
 Q And then you started down here? A Yes sir.  
 Q Was it in the spring of the year when you reached here? A No sir in the winter.  
 Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there warent no buds nor nothing on the trees, it was winter I tell you.  
 Q You all came in wagons did you? A Yes sir.  
 Q Who came with your husband down here when he first came? A Old man Mike Sanders.  
 Q Who else? A Nathan Sanders.  
 Q Who else? A Daniel Sanders.  
 Q Anyone else that you remember? A There was little Sam Webber and old man Sam Webber.  
 Q Any other Webber's? A Aaron Webber.  
 Q Did any one else come down? A I don't remember anyone else now.  
 Q Were you there when they started down? A We all come together I am telling you.  
 Q But I mean when your husband came on in advance of you. He came with him then? Did those parties that you have named come with your husband when he first came down? A Yes sir.  
 Q You were at Fort Scott then? A Yes sir.  
 Q And they all started together? A Yes sir.  
 Q These that you have named are all the you can think of at the present time? A Yes sir.  
 Q Did they come in wagons or on horse-back that time? A They came in wagons when they first came.



- Q And after Christmas you all came down did you? A Yes sir.
- Q Did you come in wagons then? A Yes sir.
- Q Did you come by a little place called Chatoga? A Yes sir.
- Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
- Q And you are living there yet? A Yes sir, that old house was built in '88.
- Q What house? A That one we is living in.
- Q And you are living at the same old place? A Yes sir, in the same old house.
- Q On what creek is that? A Big Creek.
- Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
- Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
- Q Did you see anyone from Chatoga along the road through the Nation to Big Creek when you came there? A No sir.
- Q Did these people who first came down with you husband return with him and then come down again when your family well come after Christmas? A Yes sir.
- Q You all come back together? A Yes sir.
- Q Now Auntie, did any additional people - any other families come down with you? A I don't know who all come down, I am just telling you what I know.
- Q There was Daniel Sanders, and Nathan Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all come with you? A Yes sir.
- Q Did Aaron Webber come? A Yes sir.
- Q And your family? A Yes sir.
- Q Are there any that I missed? A That is all that I gave you.
- Q Is that all that come? A Aaron Wright come with us.
- Q Who else? A (No response)
- Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
- Q You come to the place that you are living at now did you?
- A Yes sir and has lived there ever since.
- Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
- Q Who? A Lanie Riley was there on Verdigris, but now where he was living.
- Q How far from where you settled? A I don't know how far.
- Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
- Q Were they the closest residents to you at that time? A Yes sir.
- Q Were there any Delaware Indians there when you come there? A No sir I never saw none.
- Q Any Osages? A No sir, never saw none.
- Q You didn't see anybody on Big Creek, neither white or back, except those that came with you? A That is all.
- Q And you have been there ever since? A Yes sir, ever since we moved there.
- Q You say your husband Peter Maize built a house there? A There is a log house there and he bought the house and we moved to it.
- Q Who built the house if you know? A Henry Harold.
- Q Was he a colored man? A Yes sir.
- Q Is he living? A I don't know if he is or not.
- Q Some 3 or 4 years after you came down have your husband went to Tallahassee before the court, didn't he, to see about his claim-ship? A Yes sir.
- Q They didn't admit him that did they? A I don't know sir.
- Q You know he was disputed? A I don't know nothing about it, I never paid any attention to any such things as that then.

By the Commission:

- Q Were you ever admitted by the Cherokee or United States Court or Commission? A I don't understand what you say.
- Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my name enrolled us before he died.
- Q I want in court? A That is what I am telling you.
- Q You know what a court is don't you? A Yes sir.
- Q What court do you know? A Home District court.
- Q Any other court that you know of? A I know of the Wallace court.
- Q Any others? A No sir.
- Q Did he ever have anything name about your case by the Cherokee Council? A I don't know what was done, my men went there every year or two but I don't know what was done there.
- Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.
- Q Have you any witnesses with you that you want to introduce?
- A Yes sir.

HUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant.

(Examined by the Commission)

- Q What is your name? A Huben Sanders.
- Q How old are you? A I suppose I am about 50.
- Q What is your postoffice? A Centralia.
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
- Q Who did you belong to? A James Sanders.
- Q Were you taken to Kansas during the war? A Yes sir.
- Q You have a wife named Alice have you? A Yes sir.
- Q How long have you and she been married? A About 20 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified therein as follows:

Page 176, No. 3537, Huben Sanders, Chickasaw district.

- Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
- Q What court? A The Cherokee Court.
- Q Is that the only one? A Yes sir that is the only one: I was admitted by the Cherokee Court.
- Q Where was it sitting? A At Tahlequah.
- Q In what year was that? A I can't tell what year it was.
- Q Your citizenship had been disputed had it? A Yes sir.
- Q When was your right to citizenship first disputed? A It was during the time that Thompson Echols was chief.
- Q Was that before the 1880 roll was made? A Yes sir.
- Q Did the Court decide in your favor? A Yes sir.
- Q Was there any dispute made then about you being put on the 1880 roll? A No sir.
- Q Were you required to show proof of the decision of the court in your favor when you went to enroll in 1880? A No sir.
- Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.
- Q Where did they take your name? A I was in Government land at the time.
- Q Do you know the applicant Elizabeth Knight? A Yes sir.
- Q Your wife is her daughter? A Yes sir.
- BY W. V. Hastings:
- Q Peter Meigs' citizenship was disputed the same time yours was?



- A Yes, sir.
- Q Did he go before the court at the same time? A No sir, I think not.
- Q Was wife's citizenship was also disputed? A I judge so.
- Q And she go down before that court? A Not to my knowledge.
- Q Did he go down to Tallahassee to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
- Q Was Bob Daniels Chief Justice of that court? A Yes sir.
- Q Just a few years after the war? A Yes sir.
- Q In '71 wasn't it? A Yes sir.
- Q Was any action taken in that court? A I don't know.
- Q You were there yourself? A No sir.
- Q You were about 16 or 18 years old when you came back? A Yes sir I guess so, I don't exactly know how old I was.
- Q You were not married then? A No sir.
- Q How long after you got back before you married? A Not very long after I got back.
- Q Did you marry on your way down here? A No sir.
- Q How long had you been here before you married? A I have been married twice.
- Q How long had you been here before you married the first time? A Not very long.
- Q As much as a year? A May be so.
- Q Is that your best judgment? A My best judgment is perhaps that it was that long.
- Q When were you married to your present wife? A Upwards of 30 years, or so.
- Q How long did you live with your first wife? A Not very long, she died.
- Q A Year? A Perhaps it was, maybe a little longer.
- Q Then you married your present wife? A Yes sir.
- Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
- Q The first time? A Yes sir.
- Q Who came with you? A Several were on horse-back; it is beyond my knowledge how many there were.
- Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
- Q Did you come in August? A Yes sir.
- Q Who came with you then? A Some of this family, Peter Meigs and got his place; the heads of these families.
- Q Who else came with you? A My brother Dan and the Whitmires.
- Q Which ones? A Several.
- Q Which ones? A Meigs and Dennis, and the Webbers.
- Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hall, and I don't know who else, I don't know who all came.
- Q Who came when you came in October? A I don't know who all came then, some of that same crowd and some more come in October.
- Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
- Q What was his first name? A His name I don't know.
- Q You came in both of the detachments yourself? A No sir.
- Q Which one did you come in? A I came in August.
- Q You didn't come in October then? A Yes sir, I came when we first came; we brought some of our families with us when we came in August and left the rest on the creek.
- Q On Big Creek? A Yes sir.
- Q Where does Meigs live? A Yes sir.
- Q And you returned in October, how long did you stay in October?

A We didn't all return in October, we didn't all go back, some staid in August, some staid and some came back: some of us brought our things with us and some came to look out houses, we all come with the intention of making our homes here.

Q When did you afterwards move here the last time? A In the winter of '86 is when we come down here the last time.

Q What time in the winter? A Long in January.

Q You mean in '87. A No in the winter of '88.

Q Is you came here in the August and October of '88 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '89? A I don't understand you: we came here in the winter of '86 in what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '88? A Yes sir.

Q What was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possibly can remember of who came with you in the January or February following?

A This family is one, here, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.

Q I don't mean only of that family, there were other families were there not? A Old man Billie Womack.

Q Who else? A He had several children.

Q The heads of families I mean? A Fannie Sanders: I don't recollect them all: I don't know as I can call the names of all of them.

Q Does any of the Webbers come? A Yes sir.

Q Old man Sam and young Sam? A Yes sir: I would not pretend to call them all over as I had forgotten them Webbers and so I can't remember for if I had forgotten them I don't think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.

Q Did his son Sam come? A Yes sir.

By W. E. Hastings:

Q Don't you remember anyone else? A Rachel Webber.

Q Do you think of anyone else? A No sir.

Q You know that is was a mooted question before the Kerner Olfert Commission as to whom came at this time and we to when you came? A I haven't been interested as to anyone except for myself.

Q You know that there is a question about who came don't you? A Yes sir I guess I do.

Q You say you came to Big Creek? A Yes sir.

Q Did you come by the way of Chatopa? A Yes sir I guess that we did, I don't know that they called it Chatopa then, there was a house or so there.

Q Did you cross the river there? A What river.

Q Neosho? A No sir.

Q You didn't cross at the Mistras ferry? A No sir we crossed 80 or 90 miles from there.

Q You came through what is Chatopa and come on west through the meadow? A We may have.

Q You were in meadow? A Yes sir.

Q Were there any persons living on any of that on way from Chatopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of anyone living there before that.

Q Were there any houses there except those that your crowd built? A I don't know of any houses, but there were foundations for them on Big Creek.

Q Then the houses were not built before you moved there and your

families? A Yes sir some were, there were logs on some up 8 or 10 logs high.

Q Then there were some really complete until you moved there with your families? A No sir.

Q Did you make a drop there the first year that you moved there?

A Yes sir, as near as we could with our horse, wagon and dogs.

Q Do you know Jim Martin? A Yes sir.

Q How far does he live from you now? A 4 or 5 miles.

Q Was he living there when you people moved there? A No sir.

Q He had a brother named William Martin? A Yes sir.

Q Was he living out there then? A No sir.

Q There was an old man by the name of Carter living out there then, wasn't there? A No sir. There was an old man named Carter living 30 miles perhaps from there quite a while after we came there.

Q Was his name Dick Carter? A I think it was.

Q You say he lived some 30 miles from there? A Yes sir 20 miles below, on the Verdigris river. He came some time after.

Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap Ferry? A No sir we never crossed on Gilstrap Ferry.

Q There was no farms made there when you passed through - no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you came to the Cherokee Nation after the Civil war closed was in August of '68?

A Yes sir.

Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.

Q You didn't bring your families with you then? A Only part of them and some things that we had.

Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the older ones Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you?

A No sir.

Q Did Peter Meigs bring his family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Kansas? A I think with my father.

Q You came yourself in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the others.

Q Did he go with you and your father? A Yes sir.

Q Then you returned to the Cherokee Nation again in October?

A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir not all of them came in October.

Q There was Peter Meigs in October? A He came with us on that trip.

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October?

A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That made the second time that Peter Meigs had been home?

A Yes sir.

Q Where was Peter Meigs in Christmas of '68, do you know? A No sir I don't exactly know where he was in Christmas of '68.

Q When Peter Meigs got back to the Cherokee Nation with his family



Q Did he settle in the Cherokee Nation near your family? A Yes sir.  
 Q How far apart? A Two or three hundred yards apart.  
 Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.  
 Q You stated that he brought his family the last time in February, when did he go back after his family? A The last time he brought his family.  
 Q You said here that? A Yes sir.  
 Q When did you come? A In the winter.  
 Q Was it in February? A Must have been in December.  
 Q What about that February trip you spoke of? A It was in the winter some time, snow was on the ground.  
 Q Did your father come at that trip? A Yes sir.  
 Q Your mother? A Yes sir.  
 Q Peter Helge? A Yes sir.  
 Q His wife? A Yes sir.  
 Q That was your third trip? A Yes sir.  
 Q Was that your last trip? A Yes sir.  
 Q When did your wife Alice come? A Come then.  
 Q On that third trip? A Yes sir.  
 Q You say Peter Helge made all three trips with you? A Yes sir.  
 Q Every time you came he came? A Yes sir.  
 Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.  
 Q Did he go there by himself? A No sir.  
 Q Do you remember distinctly that you came here in August the first time? A Yes sir.  
 Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.  
 Q Do you remember distinctly that he came with his family when you made your third and last trip? A Yes sir.  
 Q With his family? A Yes sir.

By your bookkeeper: The applicant states that she was slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil War. She is identified on the Lewis-Clifton roll and on the Wallace roll, but not on the 1850 roll or upon the roll of 1880. The testimony indicates that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1865, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicates that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far as that is the weight of the testimony, it also appears that proceedings may have been had by some Cherokee court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Cherokee court, affecting the citizenship of this applicant and her husband and all those who may swim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions the applicant will not be listed for enrollment on a constructed roll and the final

decision of the commission will be made known to her at her postoffice address.

Chas. van Winkle, being sworn states that as stenographer to the commission to the Five Civilized Tribes he reported in full all the proceedings in the above cases and that the foregoing is a full, true and correct transcript of his stenographic notes herein.

Signed, Chas. van Winkle.  
Subscribed and sworn to before me this 22nd day of May, 1901, at Chelsea, I.T.

Signed, T. B. Needles,  
Commissioner.

Supplemental:

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Winita, I.T., May 22, 1901.

In the matter of the application of Elizabeth Weiss for enrollment as a Cherokee Freedman.

REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.

Q How old are you? A I am only about 50 years.

Q You gave testimony just now in the case of Elizabeth Weiss?

A Yes sir.

Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867, when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think. I wanted to say January.

Q How did you find out now it was January instead of February?

A It was just after Christmas that we was on the road coming down.

Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas - a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking we was with us, in our crowd, that was just the following - a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. S. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.

Q Where did you say that killing took place? A In Kansas.

Q Fort Scott? A Yes sir.

Q And the man that was accused of the killing was named Mackey?

A Wm. Mackey.

Q You remember his first name? A No.

Q You remember the man who was killed, you say his first name?

A No sir I do not.

Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught, but I don't know nothing about that part of it.

Q You know what country it is in? A No sir.  
Q Who called your attention to this error? A I thought so myself;  
I called my own attention to it. I was studying over it; I did.  
Q You know now it was only a few days after Christmas? A Yes sir,  
a few days after Christmas.

Commissioner. This statement will be filed as  
supplemental in the Elizabeth Waigs case, to be considered in  
connection with the former statement of the witness, and the  
other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he correctly recorded  
the testimony and proceedings in this case and that the foregoing is  
a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,

Subscribed and sworn to before me this May 23, 1901.

Signed, C. R. Breckinridge,

Commissioner.

Bruce G. Jones, being duly sworn, says that as stenographer to  
the Commission to the Five Civilized Tribes he copied the foregoing,  
and the same is a true and correct copy from the original.

*Bruce G. Jones*

Sworn to and subscribed before me this the 20th of August, 1901.

*[Signature]*

Commissioner.



File with OVD- 398, Flemings Meigs.

REJECTED, as to wife, Matilda.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Winstn, J. T., May 22d, 1901.

In the matter of the application of George Meigs, Sr., for the enrollment of himself, wife and child as Cherokee Freedmen; said Meigs being sworn and examined by Commissioner C. R. Brookbridge, testified as follows:

- Q Give me your name. A George Meigs.  
Q How old are you? A I could not tell you.  
Q Well as near as you can guess? A Well I guess I must be about 60 I guess.  
Q What do you do at present? A What I believe.  
Q In what district do you live? A Coconino County.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Do you want to apply for anybody besides yourself? A Well, I guess I do. I have got a wife and two children that is under age yet.  
Q You apply then for yourself, your wife and two minor children? A Yes, sir.  
Q Are those children both unmarried? A One of them is.  
Q And one of them is married? A Yes, sir.  
Q That brings you down to one child you can apply for? A Yes, sir.  
Q Is that child living now? A Yes, sir.  
Q How long have you lived in the Cherokee Nation? A Why, ever since '65.  
Q Did you live in the Cherokee Nation before that? A Yes, sir.  
Q Did you live in the Cherokee Nation at the time of the war? A Yes, sir.  
Q Where were you born? A Born in the Cherokee Nation.  
Q Have you lived in the Cherokee Nation all your life except a little while about the time of the war? A Yes, sir.  
Q Were you a slave in the Cherokee Nation at the time the war broke out? A Yes, sir.  
Q To whom did you belong? A Reubin Daniel and Lila Daniel.  
Q Were they recognized citizens of the Cherokee Nation? A Yes, sir.  
Q Give me the name of your father? A Peter Meigs.  
Q Is he dead? A Yes, sir.  
Q How long has he been dead? A I could not tell you.  
Q Give me the name of your mother? A Elizabeth Meigs.  
Q She is alive isn't she? A Yes, sir, she was enrolled just now.  
Q For whom was Mary Meigs? Give me the name of your wife? A Matilda Ward.  
Q Her name was Ward was it, Meigs now? A Yes, sir.  
Q How old is your wife? A I could not hardly tell you.  
Q Well as near as you can guess. A I got a paper here.  
Q This paper says that your wife was 23 years old in '90, and is about 24 years old now, is that about right? A I guess it is.  
Q You say your wife's name is Matilda? A Yes, sir.  
Q It is not Maheda? A No, sir, Matilda.  
Q When were you and your wife married, in '90? A I guess it must have been.  
Q Is this the certificate and license of your marriage? A Yes, sir.  
Q Can't Brookbridge as the applicant presents a Pic has issued by the Clerk of the United States Court, Northern District, Indian Territory, on June 20th, 1892, authorizing marriage between himself and his wife, as stated by him. The certificate shows that they were united in marriage on the 31st of July, of the same year, by the Rev. William D. Brown. This is filed herewith.  
Q Does your wife claim to be a Cherokee Freedman of her own right?

George Heigs Sr., et al 2.

A Her father was Cherokee raised and his owners was George Ward.  
Q And what about her mother? A Well her mother wasn't.  
Q She was an outsider? A Yes, sir, I guess she was.  
Q As far as you know? A Yes, sir.  
Q Give me the name of your wife's father? A Josh Ward.  
Q Is he dead? A No, sir.  
Q Give me the name of your wife's mother? A Madeline Ward.  
Q Is she dead? A No, sir.  
Q And have her father and mother applied for citizenship?  
A No, sir, not yet.  
Q Now, Josh Ward you think may be a Cherokee Freedman? A I can't  
right? A Yes, sir, I know he is.  
Q How old is Josh Ward? A I could not tell you.  
Q Is he as old as you? A Yes, sir, he is.  
Q Is he as old as you? A Yes, sir, he is.  
Q How about Josh's wife, Madeline? A I could not tell you that.  
Q She is a good deal younger than you isn't she? A I don't know.  
Q Is she a woman of 35 or along there? A I expect she is.  
Q Do you know anything about the marriage of Josh Ward and his wife  
Madeline? A No, sir, I don't.  
Q How long has your wife lived in the Cherokee Nation? A I could  
not tell you that.  
Q Give me the name of this child for whom you apply? A George  
Heigs.  
Q Is that a child of this marriage? A No, sir.  
Q Child of a former marriage? A Yes, sir.  
Q How old is this child? A I guess he must be about 15 years old.  
Q Give me the name of the mother of this child? A Linda Heigs, she  
was then; before I married her she was Linda Towars.  
Q Is she dead? A No, sir.  
Q When did you marry her? A I could not tell you that directly,  
after we come to Big Creek.  
Q Pretty soon after the war? A I should not say, sir, pretty soon  
after we come down here, about a year or two I think.  
Q About how long did you and she live together or about when did  
you separate? A Why, we lived together a good while, well we got  
five children.  
Q Well how long since you and she separated? A I could not tell  
you that.  
Q Well, I must find out something from you. (No response.)  
Q How long after this child George was born, don't you remember how  
old he was, or how big he was? A He must have been, let me see, he  
must have been about seven or eight years old when we and her parted.  
I am just guessing at that now.  
Q Well, you have been parted something like ten or twelve years,  
something like that? A Yes, sir.  
Q Is that far from it? A Well, that's it, I think he was just  
about eight or nine years old when we and her parted.  
Q That child is named after you? A Yes, sir.  
Q Well we will call him George Heigs, Jr. if you have no objection.  
A We call him Georgia.  
Q We will call you Sr. if you have no objection. A Well, sir.  
Q Where is your wife, Linda, living now? A Now here in Big Creek.  
Q Did you have a divorce from her? A No, sir, nothing more than  
an agreement that we want no more man and wife.  
Q Were you ever married before you married this wife Linda? A No,  
sir.  
Q Has she ever married before she married you? A No, sir.  
Q How about this present wife, Madeline, was she ever married before  
she married you? A No, sir.  
The 1880 Authenticated Roll of Freedmen of the Cherokee  
Nation examined and names of applicant and his wife not  
found thereon.  
The 1895 Census Roll of Freedmen of the Cherokee Nation  
examined and names of applicant's not found thereon.

George Meigs Sr et al 3

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's former wife not found thereon. The Terrell-Clifton Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon as follows:  
Page 128, #3188, George Meigs, Cowassee County District.

(Name of applicant's wife not found thereon.)

Page 128, #3193, Georgia Meigs, Cowassee County.

The Wallace roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 727, #2806, George Meigs, Cowassee County District.

The name of applicant's wife not found on the Wallace Roll.

BY W.W. EASTINGS, Cherokee Representative:

Q What was your oldest child's name by your first wife? A John Meigs.

Q Is John alive? A Yes, sir.

Q How old is John? A Well, I could not truly tell you I had his age all down, but they ought to know.

Q That is the eldest child? A Yes, sir.

Q Is John here? A Yes, that's him sitting right there.

JOHN MEIGS, being sworn and examined by Commissioner

C.R. Breckinridge, testified as follows:

Q Give your name? A John Meigs.

Q How old are you? A 27.

Q What is your post-office? A Wimer.

Q Are you a son of this applicant here, George Meigs? A Yes, sir.

GEORGE MEIGS, SR., the applicant, re-called:

BY W.W. EASTINGS:

Q What was John Meigs' mother? A Lucinda.

Q Married her on Big Creek? A Yes, sir.

Q And you married her about a year after you came here? A Yes, sir, I guess it was about that, two or three years, something like that.

Q Short time after you came back? A Yes, sir.

Q And this is your oldest child? A Yes, sir, and there is my next oldest at one sitting there.

Q Did you come back with your father and mother? A Yes, sir.

Q What time of the year was it you came back? A Same when they come.

Q What time of the year? A I don't know.

Q Was it February? A Yes, sir, I come right along with them and been here ever since, raised up my family.

Q You don't know what time of the year it was? A No, sir.

Q Was it the February at the time Sam Sanders testified that you come? A Yes, sir.

Q You were not married then? A No, sir, I was with my father.

Q You were grown? A Yes, sir, but I was staying right with him.

Q 24 or 25 years of age? A Yes, I was with him, but of course we always was poor and had nothing and stayed with him until I got a little start.

Q You come in a wagon? A Yes, sir.

Q Did you build a house after you got here? A The house he lived in was built when he come.

Q He bought the house when he come here? A The house that was here before built the house, he made a trip and bought this house from this man who said this was too far from grub, wasn't anything to eat out there.

Q You didn't come with your father on his first trip? A No, sir.

Q You come whenever you was last time to stay? A Yes, sir.

Q That is a fact is it? A Yes, sir, that's a fact.

Q Show on the ground? A Yes, sir.

Q How long after Christmas was that? A I could not tell you I never paid any attention to that.

George Heigs Sr., et al 4.

Q. You only know that you came with your father here to stay? A. Yes, sir.

Q. You never went back to Kansas after that? A. I went once.

Q. How long did you remain? A. I started from home on Friday and got up there on Sunday and started back Tuesday.

Q. How long was that after you came down there? A. I think it was in June.

Q. The following summer? A. Yes, sir, we run out of grub, I didn't have anything to eat.

Q. Do you know the month you came down here first? A. No, sir; and I would not undertake to tell you that; what I know that is what I like to tell.

BY COM'R BRECKINRIDGE:

Q. How long after you married your wife, Linda, before this boy John was born? A. I don't know, some two or three years I guess.

Q. Didn't have any child for two or three years? A. No, sir, I don't think I did.

Q. And how long did you say you had been in the Cherokee Nation before you married? A. Must have been some two or three years, I didn't keep any account.

Q. You had made several crops had you? A. Yes, sir.

COM'R BRECKINRIDGE: The applicant applies for the enrollment of himself and one minor child; the applicant states that he has lived in the Cherokee Nation all his life except his absence during the war and a short time thereafter when he was in the State of Kansas. He is identified on the Wallace roll and the Kerns-Clifton roll, but not upon the roll of 1880 or upon that of 1896. For further testimony in regard to the time when he returned to the Cherokee Nation from the State of Kansas, reference is made to the case of his mother, Elizabeth Heigs, which has been taken in the course of this afternoon, and a copy of the testimony in her case will be filed in this case. The applicant is now some thing like 60 years of age, and his testimony is that he came down to the Cherokee Nation for the first time after the war when his father moved the family down in the winter as he claims of 1866. Much of his testimony shows that it was in the February following the August of 1866. Attention will also be directed to the probable application made by this family to the Cherokee, Citizenship or Supreme Court at sometime prior to the Wallace Court, of the Cherokee Nation in the matter affecting their status as Cherokee Freedmen. The applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card for the further consideration of his case.

His child, George Heigs, Jr., is identified on the Kerns-Clifton roll. This child's mother is shown to have been lawfully married to the applicant soon after the close of the Civil War. She is not identified on any roll and it does not appear that the child derives any right through its mother. It is a minor and still living and this child will now be listed for enrollment as a Cherokee Freedman on a doubtful card to await the determination of his status through his father.

As for the applicant's present wife, Matilda Heigs; she is shown to have married him in July, 1899. The license and certificate relating thereto are filed herewith. The applicant's wife is 24 years of age; she is not identified upon any roll in the possession of the Commission; neither is her father or her mother, both of whom are said to be alive, identified upon any roll in the possession of the Cherokee Nation and all of them have been searched. It further appears that the applicant never procured a judicial divorce from his first wife from whom he has been parted. Nothing



1001 61

1001 61

—○○○○○○○○—

(Signed) J. O. Rosson.  
May of May, 1901.  
R. Brockinridge,  
Commissioner,

000000

Mr. Green

*[Handwritten signature]*

*[Handwritten signature]*

Exhibit Charles Freeman, v-398, Fleming Mugs

Department of the Interior,  
Bureau of the Five Civilized Tribes,  
Wash., D.C., May 22d 1901.

At the residence of the Commissioner of the Five Civilized Tribes for the  
Cherokee Nation, Muskogee, Okla., May 22d 1901.

Q. Your name? A. Elizabeth Mugs.  
Q. How old are you? A. I was born May 18th 1840 in  
the old nation.

Q. When did the Cherokee Nation move to this country from the  
old nation? A. Yes sir.

Q. That would make you about 70 years old now wouldn't it? A. Yes  
sir I guess so.

Q. What is your present office? A. General Agent.  
Q. What district do you live? A. Cowassee.

Q. Are you next to be enrolled as a Cherokee Freedman? A. Yes sir.  
I do.

Q. How do you want to have enrolled besides yourself? A. My children.  
Q. Have you any children under twenty-one years old? A. No sir.

Q. They will have to apply for themselves then? A. (No response)  
Q. Have you a husband? A. No sir he is dead.

Q. Then you only apply for yourself? A. Yes sir.  
Q. Have you lived here ever since you came with the Cherokee in  
1838? A. Yes sir.

Q. How long have you been called Mugs? A. Ever since I was born.  
Q. You married to a man named Wright? A. Peter Wright.

Q. Is he dead? A. Yes sir, five years ago in September.  
Q. Was he a Cherokee Freedman? A. Yes sir.

Q. Were you a slave in the Cherokee Nation before the war? A. Yes sir.  
Q. To whom did you belong? A. Nathan Daniel.

Q. The 1880 authenticated roll of the Cherokee Nation examined  
and the applicant's name not found thereon.

Q. Is any of your family on that roll that you know of? A. Yes  
sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

Q. The 1880 authenticated roll of the Cherokee Nation examined  
and the name of the applicant's daughter identified thereon  
as follows:

Page 135, No. 2523, Alice Sanders, Cowassee district.  
The 1880 census roll of the Cherokee Nation examined and the  
name of the applicant not found thereon.

Q. Did you ever draw your Cherokee strip money? A. Yes sir.  
Q. The 1880 census roll of the Cherokee Nation examined and  
the name of the applicant found thereon as follows:

Page 106 No. 8512, Eliza Mugs, Cowassee district.  
Q. Did you ever go by the name of Daniel? A. Yes sir, that was my  
name.

Q. The 1880 roll of the Cherokee Nation examined and the  
name of the applicant found thereon as follows:



- Q What time in the winter? A Well it was in the winter.
- Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
- Q When did he bring you down? A In the winter after he went from here on Big Creek.
- Q He came ahead of you then? A Yes sir.
- Q What time did he leave Kansas? A I cannot tell you when he first came.
- Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '88.
- Q Did he leave Kansas in the winter? A Yes sir.
- Q Was he down here when Christmas came? A Yes sir.
- Q Do you know how long it was before Christmas before he started to come here first? A No sir I don't.
- Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
- Q How long after Christmas before you and he started down here together? A Directly after.
- Q He spent Christmas that year in the Cherokee Nation by accident? A Yes sir my husband did.
- Q What members of your family came down with you and your husband? A Three children.
- Q Did you bring your child Alice Sanders with you? A Yes sir.
- Q All the children? A Yes sir.
- Q Can you explain why you are not on the roll of 1890? A No sir.
- Q Do you know why you are not on that roll? A No sir I don't know nothing about the roll.
- By W. W. Hastings, Cherokee Representative:
- Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
- Q Where were you living in Kansas then? A Fort Scott.
- Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time often he got back till we all came here.
- Q Was it as much as a couple or three weeks? A Yes sir I guess so.
- Q And then you started down here? A Yes sir.
- Q Was it in the spring of the year then you reached here? A No sir in the winter.
- Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there weren't no buds nor nothing on the trees, it was winter I tell you.
- Q You still own the wagons did you? A Yes sir.
- Q Was some with your husband down here when he first came? A Old man Mike Sanders.
- Q Who else? A Andrew Sanders.
- Q Who else? A Daniel Sanders.
- Q Anyone else that you remember? A There was little Sam Webber and old man Sam Webber.
- Q Any other Webber's? A Andrew Webber.
- Q Did anyone else come down? A I don't remember anyone else now.
- Q Were you there when they started down? A We all came together I am telling you.
- Q But I mean when your husband came on in advance of you. Who came with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
- Q You were at Fort Scott then? A Yes sir.
- Q And they all started together? A Yes sir.
- Q These that you have named are all the you can think of at the present time? A Yes sir.
- Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.

- Q And after Christmas you all come down did you? A Yes sir.
- Q Did you come in wagons then? A Yes sir.
- Q Did you come by a little place called Chatoga? A Yes sir.
- Q Where did you come to in the Cherokee Nation? A I come right where I am living now when I come to the Cherokee Nation.
- Q And you are living there yet? A Yes sir, that old house was built in '88.
- Q What house? A That one on the living on.
- Q And you are living at the same old place? A Yes sir, in the same old house.
- Q On what creek is that? A Big Creek.
- Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
- Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
- Q Did you see anyone from Chatoga along the road through the Nation to Big Creek when you came there? A No sir.
- Q Did these people who first came down with you husband return with him and then come down again when your family well come after Christmas? A Yes sir.
- Q You all come back together? A Yes sir.
- Q Now auntie, did any additional people - any other families come down with you? A I don't know who all come down, I am just telling you what I know.
- Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all come with you? A Yes sir.
- Q Did Aaron Webber come? A Yes sir.
- Q And your family? A Yes sir.
- Q Are there any that I missed? A That is all that I gave you.
- Q Is that all that come? A Aaron Wright come with us.
- Q Who else? A (No response)
- Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
- Q You come to the place that you are living at now did you?
- A Yes sir and has lived there ever since.
- Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
- Q Who? A Lanie Riley was there on Verdigris, but now where we was living.
- Q How far from where you settled? A I don't know how far.
- Q Was it as much as 5 or 6 miles? A As much as ten miles if you guess at it right.
- Q Were they the closest residents to you at that time? A Yes sir.
- Q Were there any Delaware Indians there when you come there? A No sir I never saw none.
- Q Any Osage? A No sir, never saw none.
- Q You didn't see anybody on Big Creek, neither white or black, except those that came with you? A That is all.
- Q And you have been there ever since? A Yes sir, ever since we moved there.
- Q You say your husband Peter Miller built a house there? A There is a log house there and he bought the house and we moved to it.
- Q Who built the house if you know? A Henry Harold.
- Q Was he a colored man? A Yes sir.
- Q Is he living? A I don't know if he is or not.
- Q Some 2 or 4 years after you come down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
- Q They didn't admit him then did they? A I don't know sir.
- Q You know he was disputed? A I don't know nothing about it, I never paid any attention to any such things as that then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States Court or Commission? A I don't understand what you say.

Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my name enrolled us before he died.

Q I mean in court? A Then as what I am telling you.

Q You know what a court is does you? A Yes sir.

Q What court do you know? A Name Clinton court.

Q Any other court that you know of? A I know of the Wallace court.

Q Any others? A No sir.

Q Did he ever have anything done about your case by the Cherokee Council? A I don't know what was done, my name went there every year or two but I don't know what was done there.

Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.

Q Have you any witnesses with you that you want to introduce?

A Yes sir.

ROBERT SANDERS, called and sworn by Commissioner C. R. Brockbridge, testified as follows as the part of the applicant.

(Examined by the Commission)

Q What is your name? A Robert Sanders.

Q How old are you? A I suppose I am about 50.

Q What is your postoffice? A Australia.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.

Q Who did you belong to? A James Sanders.

Q Were you taken to Kansas during the war? A Yes sir.

Q You have a wife named Alice have you? A Yes sir.

Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified therein as follows:

Page 171, No. 2357, Robert Sanders, Ocoee district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.

Q What court? A The Cherokee Court.

Q Is that the only one? A Yes sir that is the only one; I was admitted by the Cherokee Court.

Q Where was it sitting? A At Talladega.

Q In what year was that? A I can't tell what year it was.

Q Your citizenship had been disputed had it? A Yes sir.

Q When was your right to citizenship first disputed? A It was during the time that Thompson Gochalita was chief.

Q Was that before the 1880 roll was made? A Yes sir.

Q Did the court decide in your favor? A Yes sir.

Q Was there any dispute made then about your being put on the 1880 roll? A No sir.

Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.

Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.

Q Where did they take your name? A I was in document book at the time.

Q Do you know the applicant Elizabeth Neight? A Yes sir.

Q Your wife is her daughter? A Yes sir.

By W. V. Hastings:

Q Peter Neight's citizenship was disputed the same time yours was?

- A Yes, sir.
- Q Did he go before the court at the same time? A No sir, I think not.
- Q His wife's relationship was also significant? A I judge so.
- Q Did she go down before that court? A Not to my knowledge.
- Q Did he go down to Tallahassee to the court before that time? A Yes sir I think he went down to the New District court, think he went with my father.
- Q Was Bob Baskin's chief justice of that court? A Yes sir.
- Q Just a few years after the war? A Yes sir.
- Q In '71 wasn't it? A Yes sir.
- Q Was any motion taken in that court? A I can't know.
- Q You were there yourself? A No sir.
- Q You were about 15 or 16 years old when you came back? A Yes sir I guess so, I don't exactly know how old I was.
- Q You were not married then? A No sir.
- Q How long after you got back before you married? A Not very long after I got back.
- Q Did you marry on your way down here? A No sir.
- Q How long had you been here before you married? A I have been married twice.
- Q How long had you been here before you married the first time? A Not very long.
- Q As much as a year? A May be so.
- Q Is that your best judgment? A My best judgment is perhaps that it was that long.
- Q When were you married to your present wife? A Upwards of 30 years, or so.
- Q How long did you live with your first wife? A Not very long, she died.
- Q A Year? A Perhaps it was, maybe a little longer.
- Q Then you married your present wife? A Yes sir.
- Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
- Q The first time? A Yes sir.
- Q Who came with you? A Several were on horse-back: it is beyond my knowledge how many there were.
- Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
- Q Did you come in August? A Yes sir.
- Q Who came with you then? A Some of this family, Peter Maize and got his place; the heads of these families.
- Q Who else came with you? A My brother Sam and the Whitmires.
- Q Which ones? A Several.
- Q Which ones? A Rose and Lemmie, and the Webbers.
- Q Name them? A Old man Sam and younger Sam and Little Aaron, and a man named Abe Whisman, and Abe Hair, and I don't know who else, I don't know who all came.
- Q Who came when you came in October? A I don't know who all came then, so a of that came around and some more came in October.
- Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
- Q What was his first name? A Old man Oliver Smith.
- Q You came in both of the detachments yourself? A No sir.
- Q Which one did you come in? A I came in August.
- Q You didn't come in October then? A Yes sir, I came when we first came; we brought some of our farming utensils when we came in August and left the on the creek.
- Q On Big Creek? A Yes sir.
- Q Where Mrs. Maize lives? A Yes sir.
- Q And you returned in October, how long did you stay in October?



Q We didn't all return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.

Q When did you afterwards move here the last time? A In the winter of '88 is when we come down here the last time.

Q What time in the winter? A Long in January.

Q You mean in '87. A No in the winter of '88.

Q Is you came here in the August and October of '88 and then returning for your families and came back here in the following winter, in the following January or February, that would be in '89. A I dont understand you; we came here in the winter of '88 is what I said, in January, after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '88? A Yes sir.

Q What was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possibly can remember of who came with you in the January or February following?

A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.

Q I dont mean only of that family, there were other families were there not? A Old man Billie Foreman.

Q Who else? A He had several children.

Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.

Q Were any of the Webbers along? A Yes sir.

Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and as I cant remember yet if I had forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.

Q Did his son Sam come? A Yes sir.

By W. F. Hastings:

Q Did you remember anyone else? A Rachel Webber.

Q Do you think of anyone else? A No sir.

Q You know that it was a mooted question before the Kerns Glifton Commission as to when came at this time and as to when you came? A I havent been interested as to anyone except for myself.

Q Yet know that there is a question about who came down you? A Yes sir, I guess I do.

Q You say you came to Big Creek? A Yes sir.

Q Did you come by the way of Chatopa? A Yes sir I guess that we did, I dont know that they called it Chatopa then, there was a house or so there.

Q Did you cross the river there? A What river.

Q Neosho? A No sir.

Q You didn't cross at the Milstrap ferry? A No sir we crossed 20 or 30 miles from there.

Q You came through what is Chatanga and came on west through the prairie? A We may have.

Q You were in wagon? A Yes sir.

Q Were there any persons living on any of that country from Chatopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of anyone living there before that.

Q Were there any houses there except those that your group built?

A I dont know of any houses, but there were foundations for them in Big Creek.

Q Then the houses were not built before you moved there with your

familiar? A Yes sir some parts, there were logs on some up 8 or 10 logs high.

Q Was there were none really completed until you moved there with your families? A No sir.

Q Did you make a crop there the first year that you moved there?

A Yes sir, as near as we could with one horse plow and team.

Q Do you know Jim Martin? A Yes sir.

Q How far does he live from you now? A 4, 5 or 6 miles.

Q Was he living there when you people moved there? A No sir.

Q He had a brother named William Martin? A Yes sir.

Q Was he living out there then? A No sir.

Q There was an old man by the name of Carter living out there then, wasn't there? A No sir. There was an old man named Carter living 20 miles perhaps from there quite a while after we came there.

Q Was his name Dick Carter? A I think it was.

Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He came some time after.

Q Do you know if that ferry that you crossed the Verdigris river was called Gillstrap ferry? A No sir we never crossed on Gillstrap ferry.

Q There was no farms made there when you passed through - no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you came to the Cherokee Nation after the Civil war closed was in August of '65?

A Yes sir.

Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come back, that it was open for us to come.

Q You didn't bring your families with you then? A Only part of them and some things that we had.

Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you?

A No sir.

Q Did Peter Meigs bring any family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Kansas? A I think with my father.

Q You came yourselves in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the church.

Q Did he go with you and your father? A Yes sir.

Q Then you returned to the Cherokee Nation again in October?

A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir not all of them came in October.

Q Where was Peter Meigs in October? A He came with us at that trip.

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October?

A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That was the second time that Peter Meigs had been here?

A Yes sir.

Q Where was Peter Meigs on Christmas of '65, do you know? A No sir I don't exactly know where he was on Christmas of '65.

Q When Peter Meigs got back to the Cherokee Nation with his family



Q Did he settle in the Cherokee Nation with your family? A Yes sir.

Q How far apart? A Two or three hundred yards apart.

Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.

Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.

Q You state that? A Yes sir.

Q When did you come? A In the winter.

Q Was it in February? A That have been in December.

Q What about that February trip you spoke of? A It was in the winter some time. Snow was on the ground.

Q Did your father come at that time? A Yes sir.

Q Your mother? A Yes sir.

Q Peter Maize? A Yes sir.

Q His wife? A Yes sir.

Q That was your third trip? A Yes sir.

Q Was that your last trip? A Yes sir.

Q When did your wife Alice come? A Come then.

Q On that third trip? A Yes sir.

Q Now say Peter Maize made all three trips with you? A Yes sir.

Q Every time you came he came? A Yes sir.

Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.

Q Did he go there by himself? A No sir.

Q Do you remember distinctly that you came here in August the first time? A Yes sir.

Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.

Q Do you remember distinctly that he came with his family when you made your third and last trip? A Yes sir.

Q With his family? A Yes sir.

By Sam's Bookkeeping: The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil War. She is identified on the Burns-Clifton roll and on the Wallace roll, but not on the 1886 roll or upon the roll of 1898. The testimony indicates that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1865, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicates that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose in bringing his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Cherokee Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to take further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment as a citizen and the final

decision of the Commission will be sent back to him at his  
postoffice address.

Chas. von Weiz, being sworn, deposes that as a member of  
the Commission to the Five Civilized Tribes he reported in full all  
the proceedings in the above cause and that the foregoing is a full,  
true, and correct transcript of his stenographic notes therein  
subscribed and sworn to before him this 22nd day of May, 1901, at  
Choctaw, T. T.

Wm. T. D. Mackey,  
Commissioner.

Supplemental:

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Winnipeg, T. T., May 22, 1901.

In the matter of the application of Elizabeth Maise for en-  
rollment as a Cherokee Freedman.

REUBEN SANDERS, being then sworn by Commissioner Mack-  
inridge, testified as follows:

Q Give your name? A Reuben Sanders.

Q How old are you? A I am only about 50 years.

Q You gave testimony just now in the case of Elizabeth Maise?

A Yes sir.

Q And you want to correct a statement you made there? A Yes sir,  
I wish to make the statement that it was in January, 1897, when we  
made the last move, about the first of the month. It was the follow-  
ing August in 1896; we had been here in August you know, in '95 and  
in October, and we made the last move in '97, January, and I put it  
down February I think. I wanted to say January.

Q How did you find out now it was January instead of February?

A It was just after Christmas that we was on the road coming down.

Q How long after Christmas? A Perhaps a week after Christmas.  
my reason for stating this is this, along Christmas - a few days be-  
fore Christmas there was a man got killed named Hayford, and there  
was a gentleman killed him, a colored man killed that man Hayford,  
a man by the name of Mackey, and we started then right shortly after  
that killing was, and the parties followed us, thinking he was with  
us, in our crowd. That was just the following - a few days after  
Christmas, a week, or after Christmas.

Examined by Cherokee Representative, V. L. Hastings:

Q How old are you? A Well I just don't know my age exactly. I  
suppose that I am about 50 years old; something in that line.

Q Where did you say that killing took place? A In Indian  
port South. A Yes sir.

Q And the man that was accused of the killing was named what?

A Named Mackey.

Q You remember his last name? A Yes.

Q You remember the man who was killed, you got his first name?

A No sir I do not.

Q Did you ever learn afterwards whether or not that man was caught,  
do you know? A It seems to me like I learned afterwards that the  
man was caught. No, I don't know nothing about that part of it.

Q You know what county Ft. Scott is in? A No sir.  
Q Who called your attention to this error? A I thought so myself;  
I called my own attention to it. I was studying over it; I did.  
Q You know now it was only a few days after Christmas? A Yes sir,  
a few days after Christmas.

Com'r Breckinridge: This statement will be filed as  
supplemental in the Elizabeth Meigs case, to be considered in  
connection with the former statement of the witness, and the  
other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he correctly recorded  
the testimony and proceedings in this case and that the foregoing is  
a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,

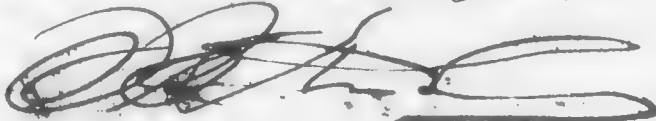
Subscribed and sworn to before me this 23d day, 1901.

Signed, C. R. Breckinridge,  
Commissioner.

Bruce C. Jones, being duly sworn, says that as stenographer to  
the Commission to the Five Civilized Tribes he copied the foregoing,  
and the same is a true and correct copy from the original.

*Bruce C. Jones*

Sworn to and subscribed before me this the 20th of August, 1901.



Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;  
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Ninth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Robert Meigs.

Q Where do you live? A I live five miles southwest of Tahlequah.

Q What is your postoffice? A Park Hill is my postoffice.

Q How old are you? A I am 56 my next birthday.

Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '84 to '66.

Q Did your people own any slaves before the war? A Yes sir.

Q Do you know whether they owned a woman by the name of Elizabeth?

A No, sir.

Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.

Q Well, did you know Peter Meigs? A Yes, sir.

Q Do you know what his wife's name was when the war broke out?

A Betsy they called her.

Q Well, was she living, Betsy, at the time the war broke out?

A Yes, sir.

Q Well, did you ever know her by any other name than Betsy?

A Bettie.

Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.

Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.

Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.

Q Did you ever see Peter Meigs and his family after the war? A Yes, sir, saw Uncle Peter.

Q What year was that? A Sometime after '71,

Q What were the circumstances as to your seeing him or meeting him?

Q Why he had come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes, sir.



Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late; is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 7th of November, 1901.

*[Signature]*

Commissioner.

File with Cherokee Freedman D-398, Flemings Meigs.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Winita, I.T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:

H. T. Brown, agent for applicants.

L. B. Bell, of counsel for Cherokee Nation

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.

What is your age? A About 59.

What is your postoffice address? A Centralia.

Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Does your name appear upon the authenticated roll of 1880?

I think it does.

You know Elizabeth Meigs and George Meigs? A Yes, sir.

What relation is George Meigs to Elizabeth Meigs? A Her son.

Did you know Peter Meigs during his life time? A Yes, sir.

Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.

When did they return to the Cherokee Nation? A They came in '68.

With whom did they return? A They came with me and my father and the Webbers.

Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.

Mr. Bell: Then did you come to the Cherokee Nation yourself after the war? A In '66.

What time of the year? A First of December.

That was the first time? A Yes, sir.

Then did you make your second trip? A Along in first part of January.

That was January, 1867? A Yes, sir..

Now which one of these trips was it that Peter and his family came with you? A They came both times.

Came both times? A Yes, sir, the old man came the first time and then the last time the family came.

Peter came with you alone the first time? A Yes, sir.

Then the second time he brought his family? A Yes, sir.

What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.

Then was his children? A Then was his children.

Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 24th of November, 1901.



To be filed with F. D. 391.

Department of the Interior,  
Commission to the Five Civilized Tribes  
Luskogee, I. T. May, 13, 1901.

In the matter of the application of Elizabeth Heizer for recognition of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.  
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

- MR. HASTINGS: What is your name? A Mrs. Lydia Barton.  
Q What is your postoffice? A Fort Scott, Kansas.  
Q Do you hold any official position at the present time? A Yes, sir.  
Q What is it? A County Clerk.  
Q Of the county in which Fort Scott is located? A Yes, sir.  
Q Have you an official paper? A Yes, sir.  
Q What is it? A Our official paper at the present time is the Republican.  
but that changes you know from time to time.  
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.  
Q What was it? A The Fort Scott Monitor.  
Q Are you required to keep files of this paper in your office? A Yes, sir.  
Q Have you a file of the official paper including December 22, 1866, up to and including March of 1867? A Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another murder."

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.

Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 22nd inst., after dark, Mr. Dyer Hayford, of this city, was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of the murder as we learn them, are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Margrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. L. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and L. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Hepler made a post-mortem examination, and testified that they found four pistol or sn.-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Linder, (colored) sworn - Saturday evening, about 10 o'clock, shots fired. Was at home, lived near the mill close by the creek. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He was in a hurry. He had on a black soldier's coat; the name of the man was found; someone rode down to Mackey's and returned about ten minutes, before the shots were fired. Saw the coat when he came to my house, at his house afterwards. I don't know whether he had any revolver then or not, he didn't have one, have seen him have one several times. I did not see any flour on his coat. It was a navy revolver which Mackey carried. He also owns a gun; didn't see that either. When Mackey left my house he went to his house, and I heard him going back to town whistling. Mr. Jones found a sack of flour at the edge of the creek; looked as if it had been shot at. Was found about twenty yards from Mackey's house. I saw a revolver on Friday the day before Hayford was killed.

E. S. H. Myers, sworn - I live about 100 yards from Mackey's. Saturday night was at home sick and a man came to my house and inquired for me; I heard him and knew of his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone whistling past; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't hear anything Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard a call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself ran down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their indignation, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Maygrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offense with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of late February, 27, 1887, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1887:

#### "A Chapter of Horrors.

##### Murderer of Hayford Captured and Hung.

Tragic events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Filer, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery, but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Supt. Curtis Johnson, Mr. Filer and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender, but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots of his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to impute an innocent negro to the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Mefford last winter. All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation.



and bloodthirstiness. — We are informed that at one time, in the Cherokee Nation, as he attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were so utterly lost even to every sentiment of humanity.

As a general rule, we have always disapproved the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Cee was brought into the city, and on Friday after a funeral service by Mr. Irvin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetery where it was interred.

#### Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann — on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning.

Benjamin Files, being first duly sworn, testified as follows:

Q. MR. HASTINGS: What is your name? A. Benjamin Files.

Q. What is your postoffice? A. Fort Scott.

Q. Kansas? A. Kansas, yes, sir.

Q. Were you living there at the close of the war? A. Yes, sir.

Q. Were you living there in '68, December? A. I have lived there ever since '62.

Q. Did you know Dyer Hayford? A. Yes, sir.

Q. Had you known him before December '68? A. Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q. Was he killed? A. He was killed at Fort Scott.

Q. Was he killed in the town? A. He was killed just at the brink of the hill along in the north; yes, sir he was killed in the city just about the brink of the hill.

Q. About what time of the day was he killed? A. He was killed just after dark, just dark.

Q. Do you know who killed him, who was said to have killed him, who was accused of killing him? A. Yes, sir.

Q. What? A. Eli Mackey.

Q. Was he a colored man? A. Yes sir, he was.

Q. Did you assist in his arrest? Yes, sir.

Q. Who arrested him? Yourself and a man he called Deacon Jones.

- Q. That this other man here with you? A. Yes, sir.
- Q. About how long after this reported killing? A. I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. From the time the shots fired I wouldn't it was more than twenty minutes.
- Q. Twenty minutes? A. Yes, sir.
- Q. Had it become generally known at the time of the arrest? A. No, sir.
- Q. There was no time for the public to know? A. Only a few people knew; I heard the shots fired myself and run down there.
- Q. And a few people knew that the killing had taken place before he was arrested? A. Yes, sir.
- Q. And the excitement when, was that after that? A. Yes, sir, they didn't have time to know it.
- Q. Was he put in jail? A. Yes, sir.
- Q. You remember how long he remained in jail? A. Till about the twentieth, sometime in February, 26th I think it was.
- Q. Of February following, of '87? A. Yes, sir.
- Q. Well did he make his escape? A. He got away.
- Q. He got away? A. Yes, sir, he got past the turnkey, Ed Coe.
- Q. Ed Coe was the turnkey was he? A. Yes, sir.
- Q. I will ask you then if there was any searching parties out for this man? Yes, sir.
- Q. For how long? I think he was killed on the 20th of March.
- Q. From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
- Q. Well were there quite a number of people out searching for him? A. Yes, sir.
- Q. Considerable excitement at that time? A. Yes, sir.
- Q. Did people go out in the country looking for him? A. Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
- Q. Up until that time? Yes, sir.
- Q. You say that was for about three weeks? A. Yes, sir, something over three weeks.
- Q. From the 26th of February up until about the 20th of March? A. Yes, sir.
- Q. Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A. Yes, sir, he was.
- Q. I believe there was a newspaper account to the effect that when he was captured he was hung up there? A. He was killed, yes, sir.
- Q. What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 20th of February? A. There was no search made for Mackey until he broke jail.
- Q. No houses searched, nor no wagons, nor no nothing when he was first captured? A. He was in jail. I don't think it was much over a half an hour; I don't think it was any longer in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
- Q. And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
- Q. You had known Hayford prior to that time? A. Yes, sir, him and he was friends.
- Q. You was a friend of him? A. Yes, sir.



H. C. Jones, being first duly sworn, testified as follows:

- Q. Mr. Hastings, what is your name? A. H. C. Jones.
- Q. What is your postoffice? A. Fort Scott.
- Q. Kansas? A. Kansas, yes, sir.
- Q. What is your age, please sir? A. 44.
- Q. Were you holding any office at the time of Fort Scott, Kansas, in December of '66? A. I was.
- Q. Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A. I was.
- Q. What office was that? A. City marshal, called town constable.
- Q. You was a city lieutenant? A. Yes, sir.
- Q. Did you assist in his first arrest? A. I did.
- Q. Who assisted you in the arrest? A. Mr. Benjamin Files.
- Q. This man that's present here? A. Yes, sir.
- Q. Did you hear the shots that killed Hayford? A. I did.
- Q. How soon after Hayford was killed was Mackey arrested, Eli Mackey? A. 30 or 25 minutes, inside of a half hour at most.
- Q. Very short time? A. Yes, sir.
- Q. Had any houses or wagons or anything of that kind been searched in the mean time? A. No, sir; there was no knowledge.
- Q. People didn't generally know it up to that time? A. No, sir.
- Q. Put in jail then? A. He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
- Q. Well how long did he remain in jail, do you remember? A. Why I think something like six weeks or more.
- Q. Well the Fort Scott Monitor puts it about February 26th? A. I presume that was right, it was correct. It was hard for me to remember exactly.
- Q. Well he remained in jail up to that time? A. Up till that time, he was not out of jail except while he was under guard.
- Q. He made his escape then? A. He made his escape, yes, sir, at the time.
- Q. You know how long he was at large? A. Well I put it something like three weeks.
- Q. I will ask you if there was any searchmen at that time made for him? A. You mean after?
- Q. When he got away after February 26th? A. Oh yes, sir, there was considerable hunt for him at that time.
- Q. Reward offered for him? A. Yes, sir, reward offered.
- Q. People searched around in the country for him? A. There was quite a number of both officials and independent searchers, they would search for him for the first couple of weeks of his escape from there.
- Q. He was afterwards captured was not? A. Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
- Q. Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A. He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.
- Q. Conclusion: You are positive about these dates? A. To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I know it was only a few days before Christmas when the killing was done.
- Q. '67? A. In '66 the killing was done.
- Q. Few days before Christmas of '66? A. Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-216, with reference to the return of the Webber Detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is inconsistent, irrelevant, and immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-304, D-306, D-396, D-401, D-402, D-404, D-407, D-775, and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(Signed) Philip G. Porter,  
Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

*Arthur G. Evans*

Subscribed and sworn to before me this 23rd day of July, 1902.

*Philip G. Porter*  
Notary Public.

COPY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al., for  
enrollment as Cherokee Freedmen, consolidating the applications of

Joe Ross,.....	Cherokee Freedmen	D-320
Chilora Grayson, et al.,.....	Cherokee Freedmen	D-426
Aaron Webber,.....	Cherokee Freedmen	D-316
Elizabeth Meigs,.....	Cherokee Freedmen	D-322
George Meigs, Sr., et al.,.....	Cherokee Freedmen	D-324
John Meigs,.....	Cherokee Freedmen	D-326
Flemings Meigs,.....	Cherokee Freedmen	D-328
Irene Hanks, et al.,.....	Cherokee Freedmen	D-401
Hattie Carroll, et al.,.....	Cherokee Freedmen	D-402
Andrew Alberty, et al.,.....	Cherokee Freedmen	D-404
Harriett Webber, et al.,.....	Cherokee Freedmen	D-407
Moses Webber,.....	Cherokee Freedmen	D-408
Wesley Webber,.....	Cherokee Freedmen	D-409
Edward H. Webber,.....	Cherokee Freedmen	D-410
Samuel Beck, et al.,.....	Cherokee Freedmen	D-778
Edward Wright,.....	Cherokee Freedmen	D-818
John Wright,.....	Cherokee Freedmen	D-834.

DECISION.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Joe Ross, for himself; by Joe Ross, for his sister, Chilora Grayson, and her minor child, Gertrude; by Aaron Webber, for himself; by Elizabeth Meigs, for herself; by George Meigs, Sr., for himself, his wife, Matilda Meigs, and minor son, George Meigs, Jr., (Matilda Meigs is differently classified and is not embraced in this decision); by John Meigs, for himself; by Flemings Meigs, for himself; by Irene Hanks, for herself and minor child, George Hanks; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Florence Hanks; by Hattie Carroll, for herself, her sister, Katie Meigs, and brothers, Nathan and Henry E. Meigs; by Elizabeth Alberty, for herself, her husband, Andrew Alberty, and minor children, Mattie, Charity, Nellie, Ben and Della Alberty; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriett Webber, for herself and minor child, Millie H., and her ward, Hattie Webber; by Moses Webber, for himself; by Wesley Webber for himself; by Edward H. Webber, for himself; by Samuel Beck, for himself, his wife, Mary Beck, and minor child, Elizabeth; by Edward Wright, for himself, and by John Wright, for himself.

The evidence shows that Joe Ross, one Peter Meigs, now deceased, husband of Elizabeth Meigs, Moses Webber, Sr., father of Aaron Webber, George Meigs, Sr., Chelora Grayson, Samuel Beck and Andrew Alberty, were slaves of Cherokee citizens at the commencement of the War of the Rebellion, and that during said War they left the Cherokee Nation.

Said Joe Ross, Peter Meigs and Moses Webber, Sr., returned to the Cherokee Nation in the fall of 1866, and located a claim on the public domain of the Cherokee Nation; they then went back to Kansas for their wives and families, and returned with them to said Nation in February or March, 1867.

Elizabeth Alberty, wife of Andrew Alberty, Mary Beck, wife of Samuel Beck, and Harriett Webber, are children of said Elizabeth and Peter Meigs, and, with the exception of the said Elizabeth Alberty, who has been born since 1866, were minors at the time of their parents' return to the Cherokee Nation. The said Elizabeth Alberty desired to be enrolled as Lizzie Alberty. Moses Webber, Wesley Webber and Edward M. Webber are children of said Harriett Webber, and have all been born since 1866.

George Meigs, Sr., returned with his father and mother to the Cherokee Nation in February or March, 1867, and was of age at that time.

John Meigs, Fleming Meigs and Irene Meigs have been born since 1866, and are children of, and claim right to enrollment through, the said George Meigs, Sr. The names of the said George Meigs, Sr., John Meigs, Fleming Meigs and Irene Meigs, are not found on the 1860 authenticated roll of the Cherokee Nation.

Chelora Grayson returned to the Cherokee Nation with her brother, Joe Ross, in February or March, 1867. She was then married and not a member of the family of Joe Ross, at the time of his return to the Cherokee Nation. Her name is not found on the 1860 authenticated roll of the Cherokee Nation. Her minor child, Gertrude, takes only such rights as are possessed by her mother.

Samuel Beck did not return to and establish his residence in the Cherokee Nation until after January 19, 1867. His name is not found on the 1860 authenticated roll of the Cherokee Nation.

Andrew Alberty returned to the Cherokee Nation and established a residence therein in 1864.

Mattie Carroll, Katie Meigs, Nathan Meigs and Henry T. Meigs have been born since 1866, and are the children of one Simon Meigs, and claim their right to enrollment through him. The evidence does not show that the said Simon Meigs was the slave of a Cherokee citizen, or free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion, who was residing therein on July 19, 1866, or within six months thereafter. The names of the said Simon Meigs, Mattie Carroll, and Nathan and Henry T. Meigs, are not found on the 1860 authenticated roll of the Cherokee Nation.

Aaron Webber has been born since 1866, and is the son of Moses Webber, Sr., who is identified on the 1860 authenticated roll of the Cherokee Nation as adopted colored. It is presumed from this enrollment that the Cherokee Nation recognized that Moses Webber, Sr., complied with the terms of the Treaty of 1866. Edward Wright is the stepson of said Moses Webber, Sr., and was a minor and a member of the family of said Moses Webber, Sr., when he returned with them to the Cherokee Nation in February or March, 1867. John Wright is the son of Edward Wright, and takes the status of his father.



Nattie Webber, included in the application of said Harriett Webber, is the daughter of Jesse and Missie Ree. The evidence does not show that the said Jesse or Missie Ree, or any of their ancestors, were ever slaves of Cherokee citizens, or free colored persons residing in the Cherokee Nation at the beginning of the War of the Rebellion. The names of said Harriett Webber, Jesse Ree and Missie Ree are not found on the last authenticated roll of the Cherokee Nation.

The evidence further shows that Joe Ross, Elizabeth Heigs, Andrew Alberty, Mary Beck, Harriett Webber and Edward Wright have resided in the Cherokee Nation continuously since their return thereto, as above mentioned; that all the applicants herein, born since 1866, have resided in the Cherokee Nation continuously since birth.

It is, therefore, the opinion of this Commission, that Aaron Webber, having been born since 1866, should be enrolled as a Cherokee Freedman, and that Joe Ross, Elizabeth Heigs, Andrew Alberty, Lizzie Alberty, Nattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Sally Alberty, Ned Alberty, Harriett Webber, Willie M. Webber, James Webber, Wesley Webber, Edward M. Webber, Mary Beck, Inquittie Beck, Edward Wright and John Wright should also be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1896 (30 Stats., 498); it is further the opinion of this Commission that the applications for the enrollment of George Heigs, Sr., George Heigs, Jr., John Heigs, Fleming Heigs, Nattie Carroll, Katie Heigs, Nathan Heigs, Henry T. Heigs, Irene Hanks, George Hanks, Flossie Hanks, Chloa Grayson, Gertrude Grayson, Nattie Webber and Samuel Beck, should be denied, under the provisions of said Section twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

*James E. Fitzg.*

(SIGNED).

*T. B. Needles.*

(SIGNED).

*C. A. Brookbridge.*

(SIGNED).

*W. E. Stanley.*

Muskogee, Indian Territory,

This JUL 10 1903

C. H. McR.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al., for  
enrollment as Cherokee Freedmen, consolidating the application  
of -----

Joe Ross,	Cherokee Freedmen D-380,
Chilera Grayson, et al.,	Cherokee Freedmen D-496,
Aaron Webber,	Cherokee Freedmen D-216,
Elizabeth Neigs,	Cherokee Freedmen D-381,
George Neigs, Sr., et al.,	Cherokee Freedmen D-384,
John Neigs,	Cherokee Freedmen D-386,
Flemings Neigs,	Cherokee Freedmen D-396,
Irene Hanks, et al.,	Cherokee Freedmen D-401,
Hattie Carrell, et al.,	Cherokee Freedmen D-402,
Andrew Alberty, et al.,	Cherokee Freedmen D-404,
Harriet Webber et al.,	Cherokee Freedmen D-407,
Moses Webber,	Cherokee Freedmen D-408,
Wesley Webber,	Cherokee Freedmen D-409,
Edward N. Webber,	Cherokee Freedmen D-410,
Samuel Beck, et al.,	Cherokee Freedmen D-778,
Edward Derrick,	Cherokee Freedmen D-818,
John Wright,	Cherokee Freedmen D-834.

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Joe Ross for himself; by Joe Ross for his sister, Chilera Grayson and her minor grandchild, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Neigs for herself; by George Neigs, Sr., for himself, his wife Mattilda Neigs, and his minor son, George Neigs, Jr., (the said Mattilda Neigs, being differently classified, is not embraced in this decision); by John Neigs for himself; by Flemings Neigs for himself; by Irene Hanks for herself and her minor son, George Hanks; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Florence Hanks; by Hattie Carrell for herself, her sister, Katie Neigs, and her brothers, Nathan and Henry T. Neigs; by Elizabeth Alberty for herself, her husband Andrew Alberty, and her minor children, Mattie, Charity, Nellie, Ben and Dollie Alberty; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriet Webber for herself and minor child, Willie M. Webber, and minor ward, Mattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward N. Webber for himself; by Samuel Beck for himself, his wife Mary, and his minor child, Elizabeth Beck; by Edward Wright for himself; and by John Wright for himself.



On July 10, 1903, the Commission rendered its decision in this consolidated case, which was forwarded to the Department for its consideration, and on August 21, 1903, the Commission requested that the record relative to the application of Chisora Grayson et al., party applicants in this consolidated case, be returned for reconsideration, and on Oct. 3, 1903, the Department complied with said request of the Commission and returned said record and decision. On June 17, 1904, further proceedings were had in the matter of the application for the enrollment of Chisora Grayson, et al.

The record herein shows that on April 1, 1903, the Commission received a letter from the applicant in Cherokee Freedmen D-404, heretofore listed for enrollment as Elizabeth Alberty, wherein she states that she desires to be enrolled as Linnie Alberty, and she will accordingly be considered in this decision under the last mentioned name. On June 4, 1904, the applicant in Cherokee Freedmen D-418, appeared before the Commission at Tahlequah, Indian Territory, and testified that his correct name was Edward Derrick, under which name he will be considered in this decision.

The evidence shows that Joe Ross, Chisora Grayson, Aaron Webber, Elizabeth Heigs, Peter Heigs, now deceased, husband of Elizabeth Heigs, Sam Webber, Sr., George Heigs, Sr., Andrew Alberty, Samuel Beck and Edward Wright, were slaves of Cherokee citizens at the commencement of the rebellion, and that during said rebellion they left the Cherokee Nation; the said Joe Ross, Peter Heigs and Sam Webber, Sr., returned to the Cherokee Nation in the summer or fall of 1865 and located some claims upon the public domain of the Cherokee Nation; they then returned to the State of Kansas for their families, and removed with them to the Cherokee Nation during the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck, wife of Samuel Beck, are daughters of Peter and Elizabeth Heigs, and were born in the Cherokee Nation prior to their parents removal to the State of Kansas, and returned to the Cherokee Nation with them; George Heigs, Sr., another child of Peter and Elizabeth Heigs returned to the Cherokee Nation with his parents at the time above mentioned. Millie M. Webber, Moses Webber, Wesley Webber and Edward M. Webber are the minor children of Harriet Webber, and possess no rights to enrollment except through their said mother, their father, Ellis Webber, not having returned to the Cherokee Nation within the time necessary to acquire rights as a Cherokee Freedman. Mattie Webber, included in the application of Harriet Webber, et al., is a daughter of Wesley Webber, Cherokee Freedmen D-407, and one Missy Howe; it appears that the said Missy Howe was born since 1865, and is the daughter of one Jesse Howe, whose application for enrollment as a Cherokee Freedman was denied by this Commission, and which decision was approved by the Department on May 28, 1904. George Heigs, Jr., John Heigs, Elvings Heigs and Irene Hanks, are the children of George Heigs, Sr., and possess no rights to enrollment except through their said father, their mother, Lucinda Heigs, now deceased, not being shown to possess any rights as a Cherokee Freedman; George Hanks and Flossie Hanks are the minor children of Irene Hanks, and possess no rights to enrollment as Cherokee Freedmen except through their said mother.

Mattie Farrell, Katie Heigs, Nathan Heigs and Henry E. Heigs, have been born since 1865, and are the children of Simon Heigs and Fannie Heigs; the said Simon Heigs is the son of Peter and Elizabeth Heigs and returned to the Cherokee Nation with his parents the latter part of February or first of March, 1867; their mother, Fannie Heigs is not shown to possess any rights as a Cherokee Freedman, and in the absence of such showing it will be presumed that she possesses no such rights.

Samuel Beck returned to the Cherokee Nation and established a residence therein within the time specified in the decree of the Court of Claims above referred to, and has since continuously resided in said Nation. The minor applicant, Eugettie Beck, is the child of said Samuel Beck, and has continuously resided with her father since birth.

Chloris Grayson returned to the Cherokee Nation at the time the Webbers returned with their families, which was too late to acquire any rights, under Article nine of the Cherokee treaty of 1866; her minor grandchild, Gertrude Grayson, for whom she makes application, is the daughter of Armstrong Foster, who is identified on the 1880 authenticated Cherokee tribal roll.

Edward Derrick returned to the Cherokee Nation with his mother, Katie Whitmire, and his step-father, Mose Whitmire, at the time the Whitmires and Webbers brought their families to the Cherokee Nation, which, from the evidence, is shown to have been the latter part of February or the first of March, 1867; John Wright is a son of Edward Derrick, born since 1866, and takes the status of his said father.

Asaen Webber returned to the Cherokee Nation with his brother, Sam Webber, in the summer of 1846.

It appears that Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and that the applicants, Gertrude Grayson, Lissie Alberty, Hattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Nellie Alberty and Ned Alberty, have resided continuously in the Cherokee Nation since birth. None of the other applicants herein nor any of their ancestors through whom they claim, can be identified upon the 1880 authenticated Cherokee tribal roll.

It is, therefore, the opinion of this Commission that Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lissie Alberty, Rattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck and Inquittie Beck, should be enrolled as Cherokee Freedmen; and that the applications for the enrollment of Chlorea Grayson, Elizabeth Meigs, George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Irene Hanks, George Hanks, Flemen Hanks, Rattie Carrell, Katie Meigs, Nathan Meigs, Henry T. Meigs, Harriet Webber, Millie M. Webber, Rattie Webber, Moses Webber, Wesley Webber, Edward E. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1896 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES  
SIGNED

TAMM HICKY,  
Chairman.

SIGNED \_\_\_\_\_ Chairman  
T. B. WHEELER  
SIGNED \_\_\_\_\_ Commissioner

SIGNED **D. R. BRIDGEMAN**,  
Commissioner.

Dated Muskogee, Indian Territory,  
this APR. 17, 1908.

# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT

SS

In the matter of the application of Flemmings  
Meigs for enrollment as a Cherokee Freedman.

No. F. D. 398

Henry Pack, of lawful age, being duly sworn on  
oath states that on the 18th day of September A. D., 1901, he registered  
to Flemmings Meigs whose postoffice is Wimer  
Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto  
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;  
and that on the 24th day of September, 1901, he received the return  
card which is hereto attached, signed by the said Flemmings Meigs showing  
that he had received said notice.

Henry Pack  
Subscribed and sworn to before me on this the 24th day of Sept, A. D. 1901.

J. C. Starr  
Notary Public.

549378

D. \_\_\_\_\_

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on \_\_\_\_\_

by delivering a true copy thereof on the  
\_\_\_\_\_ day of \_\_\_\_\_ A. D. 190...

Given under my hand this \_\_\_\_\_  
day of \_\_\_\_\_ A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the  
\_\_\_\_\_ day of \_\_\_\_\_, 190...

Attorney for applicant.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY, } S. S.  
NORTHERN DISTRICT.

I do solemnly swear that I delivered a  
true copy of the within notice to \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 190...

Subscribed and sworn to before me  
this \_\_\_\_\_

Notary Public.

~~DEPARTMENT OF THE INTERIOR~~  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
SEP 24 1901

ACTING CHAIRMAN

# NOTICE!

IN THE MATTER OF the application of Flemmings Meigs  
for enrollment as Cherokee citizens:  
Case No. D 398

To Flemmings Meigs Viner I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 15th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

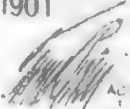
In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 21 1901

B. Bell  
Tracy  
Attorneys for the Cherokee Nation.

0710 398

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**  
OCT 21 1901



ACTING CHAIRMAN



COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIRBY  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Finald. I. G. 10/19/01

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
Herman Meras for enrollment as  
Free Men of the Cherokee Nation.

No. I. G. 398

Louis T. Brown  
Agent for applicant

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Fleming Meigs,

Wiler, I. T.

Cherokee A-B-398.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

VB

J. J. 398

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
MAY 22 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

Post Office

District

May 22/81  
Hymus, G. F.  
Cor.

1. Name

Owner's name

Year

Parents:

Father

Mother

2. Name of wife

Owner's name

Year

Page

No.

District

Parents:

Father

Mother

Names of Children:

3.

4.

5.

6.

7.

8.

9.

10.

11.

12.

Year

Page

No.

Dist.

Year

Page

No.

Dist.

Year

Page

No.

Dist.

Year

Page

No.

Dist.

Year

Page

No.

Dist.

Year

Page

No.

Dist.

Year

Page

No.

Dist.

Year

Page

No.

Dist.

Year

Page

No.

Dist.

Year

Page

No.

Dist.

Application made by

Stenographer

Fleming Mings  
Wm. Hallen A. p. 127. No 2668.  
Fleming Mings. Cor.

+ At George Mings Sr.  
+ At Elizabeth Mings -

COPY.

Cherokee Freedmen  
B-520 Sn.

Wahkago, Indian Territory, July 17, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the five Civilized Tribes, dated July 10, 1906, in the consolidated case of Joe Ross, et al., granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Neigs, Andrew, Linda, Mattie, Charity, Nellie, Ben, Dollie and Ned Alberty, Harriett, Millie M., Moses, Wesley and Edward E. Webber, Mary and Emmittie Beck, Edward Wright and John Wright, and rejecting the applications for the enrollment of George Neigs, Sr., George Neigs, Jr., John and Fleming Neigs, Mattie Carroll, Katie, Nathan and Henry T. Neigs, Irene, George and Flenon Neigs, Chlera and Cortrada Grayson, Mattie Webber and Samuel Beck, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

*T. B. Needles.*

Enc. B-52.

Commissioner in Charge.

COPY.

Cherokee F.D-475  
401-B-4-7-35-4-1  
1

Cherokee, Indian Territory, August 17, 1903.

David L. Brown,

Agent for Mary Beck et al.,

Vinita, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Joe Moss et al., granting, among others, the applications for the enrollment of Mary and Luquittie Beck, Harriett and Allie M. Webber, Elizabeth Neils, Andrew, Minnie, Mattie, Charity, Dollie, Ben, Dollie and Ned Albert, and rejecting the applications for the enrollment of Samuel Beck, Mattie Webber, Mattie Carrell, Katie, Nathan and Henry T. Neils, Irene, George and Elmon Hanks, Fleming and John Neils, George Neils Jr., and George Neils Jr., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.



The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

Enc. D-93

Register.

COPY.

Cherokee Freedman  
D-398

Muskogee, Indian Territory, August 17, 1903.

Flemings Maigs,

Wimer, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. E. Needles

Enc. D-101

Register.

Commissioner in Charge.

COPY

Cherokee Freedmen  
D-350 et al.

Muskogee, Indian Territory, August 17, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Joe Ross et al., including the Commission's decision dated July 10, 1903, granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Meigs, Andrew, Lizzie, Hattie, Charity, Mollie, Bea, Dolly and Ned Alberty, Harriett and Millie M. Webber, Moses, Wesley and Edward N. Webber, Mary and Luquittie Beck and Edward and John Wright, and rejecting the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John and Flemings Meigs, Fattie Carell, Katie, Nathan and Henry T. Meigs, Irene, George and Flemon Hanks, Chlorda and Gertrude Grayson, Hattie Webber and Samuel Beck, as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

At the request of the attorney for the Nation there are also enclosed two copies of his general brief in the Cherokee freed-

non enrollment, which he desires to have considered in connection  
with these cases.

Respectfully,

J. H. G. 1133.  
Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

Enc. D-113

COPY.

Sherokee Freedmen

W-497, et al.

Shawnee, Indian Territory, April 17, 1906.

Louis T. Brown,

Attorney for Harriet Webb, et al.,

Shawnee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1906, rejecting, among others, the applications for the enrollment of Harriet, Willie M. and Mattie Webb, Mattie Carroll, Katie, Nathan, Henry T., Fleming, John, Elizabeth, George W. and George Neils Jr., Irene, George and Wm. Hanks, and granting, among others, the application for the enrollment of Andrew, Lizzie, Mattie, Charity, Nellie, Sam, Nellie and Ned Alberts, an Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED).

Tams Dixey,  
Chairman.

Incl. 9-11  
Register.

COPY.

Cherokee Freedmen  
B-100, et al.

Huskaga, Indian Territory, April 17, 1906.

Hall, Hastings & Havensport,  
Attorneys for the Cherokee Nation,  
Huskaga, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1906, granting the applications for the enrollment of Joe Nease, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Mattie, Charity, Nellie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Clara Grayson, Elizabeth, George Sr., George Jr., John and Fleming Nease, Irene, George and Flemen Hanks, Mattie Carell, Katie, Nathan and Henry F. Nease, Harriet, Millie M., Mattie, Moses, Wesley and Edward F. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. B-100.

(SIGNED) *Tame Bixby.*  
Chairman.



COPY.

Cherokee Freedmen  
D-350, et al.

Muskogee, Indian Territory, April 17, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Joe Ross, et al., as Cherokee freedmen, including the Commission's decision dated April 17, 1905, granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberts, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Chlora Grayson, Elizabeth, George Sr., George Jr., John and Fleming Meigs, Irene, George and Flemen Hanks, Hattie Carell, Katie, Nathan and Henry T. Meigs, Harriet, Millie M., Hattie, Moses, Wesley and Edward W. Webber, Mary Beck, Edward Derriak and John Wright, as Cherokee freedmen.

Respectfully,

(SIGNED) *Tams Dixby*  
Chairman.

Incl. B-64

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedman

D-399,

Muskogee, Indian Territory, April 17, 1906.

Flemings Neigs,

Wimer, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1906, rejecting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-43.  
Register

(SIGNED) *Tams Dixby.*  
Chairman.

C O P Y .

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,  
Washington.

Land,  
30769-1905.  
43325-1905.  
44630-1905.

June 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 17, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Joe Ross for himself, his sister Chlera Grayson and her minor grand child, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Meigs for herself; by George Meigs, Sr., for himself and his minor son, George Meigs, Jr.; by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor children, George and Flemen Hanks; by Hattie Carroll for herself, her sister, Katie Meigs, and her brothers, Nathan and Henry T. Meigs; by Lizzie Alberty for herself, her husband, Andrew Alberty, and her minor children, Hattie, Charity, Mollie, Ben, Delle and Ned Alberty; by Harriet Webber for herself, her minor child, Millie M. Webber, and her minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward E. Webber for himself; by Samuel Beck for himself; his wife, Mary and his minor child, Enquittie Beck; by Edward Derrick for himself; and by John Wright for

himself.

April 17, 1905, the Commission decided favorably to Joe Ross, Gertrude Graysen, Aaren Webber, Andrew, Lizzie, Hattie Charity, Melie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck and adversely to Chlera Graysen, Elisabeth, George Sr., George Jr., John and Flemings Meigs, Irene, George and Flemen Hanks, Hattie Garrell, Katie, Nathan and Henry T. Meigs, Harriet, Millie M., Mattie, Moses, Wesley and Edward N. Webber, Mary Beck, Edward Derrick and John Wright.

The record shows that Joe Ross, Chlera Graysen, Aaren Webber, Elisabeth Meigs, Peter Meigs (deceased) husband of Elisabeth Meigs, Sam Webber Sr., George Meigs Sr., Andrew Alberty, Samuel Beck and Edward Derrick were slaves of Cherokee citizens at the beginning of the war of the rebellion, and that during the war they left the Cherokee Nation; that Joe Ross, Peter Meigs and Sam Webber Sr., returned to the Nation in the summer or fall of 1866 and located claims upon the public domain of the Cherokee Nation; that they then returned to Kansas for their families and removed with them to the Cherokee Nation in the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck (wife of Samuel Beck) are daughters of Peter and Elisabeth Meigs, were born in the Cherokee Nation prior to their parents removal to Kansas, and returned to the Cherokee Nation with them; George Meigs Sr., another child, returned with them at the same time. Millie M., Moses Wesley and Edward N. Webber are the minor children of Harriet Webber and possess no rights to

enrollment except through their mother, their father Ellis Webber, not having returned to the Cherokee Nation on or before February 11, 1867. Hattie Webber is a daughter of Veeley Webber and one Missy Rowe; Missy Rowe was born since 1866 and is the daughter of Jesse Rowe, the rejection of whose claim was approved by the Department May 23, 1901. George Jr., John and Fleming Meigs and Irene Hanks are the children of George Meigs, Sr., and possess no rights to enrollment except through their father, their mother, Lucinda Meigs, born Towers, not being shown to possess any rights as a Cherokee Freedman; George and Flenon Hanks are the minor children of Irene Hanks and possess no rights to enrollment except through their mother. Hattie Carroll, Katie, Nathan and Henry T. Meigs were born since 1866 and are children of Simon and Fannie Meigs; Simon is the son of Peter and Elizabeth Meigs and returned to the Cherokee Nation with his parents. Fannie Meigs is not shown to possess any rights as a Cherokee Freedman. Andrew Alberty returned to the Cherokee Nation on or before February 11, 1867; his wife Lizzie Alberty, is the daughter of Peter and Elizabeth Meigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants Hattie, Charity, Nellie, Ben, Dollie and Ned Alberty are their minor children born since 1866. Samuel Beck returned to the Cherokee Nation and established a residence therein prior to February 11, 1867, and has since continuously resided therein.

The minor applicant, Luquittie Beck is the child of Samuel Beck and has resided with her father since birth.

Ohlera Grayson returned to the Cherokee Nation with the Webbers, subsequent to February 11, 1867; her minor grand child, Gertrude Grayson, is the daughter of Armstead Foster, who is identified on the 1880 authenticated Cherokee roll.

Edward Derrick returned to the Cherokee Nation the last of February or first of March, 1867; John Wright is his son born since 1866 and takes the status of his father.

Aaron Webber returned to the Cherokee Nation in the summer of 1866. Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and the applicants, Gertrude Grayson and Lizzie, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty have resided therein continuously since birth. None of the other applicants, nor any of their ancestors, through whom they claim, can be identified on the 1880 authenticated Cherokee roll.

There is also enclosed briefs in behalf of Edward Derrick and Mary Beck which have received due consideration.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

C. F. Larrabee  
Acting Commissioner.



C O P Y .

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

I.T.D. 7533-1905.  
8884- "  
8900- "

June 25, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Sir:

On April 17, 1905, the Commission to the Five Civilized Tribes transmitted for departmental consideration the record in the matter of the consolidated applications of Joe Hess, Chlera Grayson et al., Aaron Webber, Elizabeth Meigs, George Meigs, Sr., et al., John Meigs, Flemings Meigs, Irene Hanks et al., Hattie Carell et al., Andrew Alberty et al., Harriet Webber et al., Moses Webber, Wesley Webber, Edward H. Webber, Samuel Beck et al., Edward Derrick, and John Wright, for enrollment as Cherokee freedmen, together with its decision dated April 17, 1905. There was also transmitted a general brief and argument for these applicants, prepared by their attorneys, also an argument on behalf of Edward Derrick, prepared by his attorney.

On September 7, 1905, the attorneys for the applicants filed motions for review in the matter of the applications of Joe Hess et al., Hattie Carell et al., Elizabeth Meigs, Elizabeth Meigs et al., George Meigs, Sr., et al., Edward H. Webber, Harriett Webber, Moses Webber, and Wesley Webber et al.

No proper reason appears for granting said motions for review and they are hereby denied.

Reporting June 19, 1905, the Indian Office recommends that the decision of the Commission to the Five Civilized Tribes in this consolidated case be approved. A copy of its letter is inclosed.

A careful consideration of the record, together with the arguments submitted, leads the Department to the opinion that the Commission's decision is correct. The applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lissie Alberty, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck, and Luquittie Beck are hereby approved, and you will enroll them as Cherokee freedmen. The applications for the enrollment of Chlera Grayson, Elisabeth Meigs, George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Irene Hanks, George Hanks, Flemen Hanks, Hattie Carell, Katie Meigs, Nathan Meigs, Henry T. Meigs, Harriett Webber, Millie M. Webber, Hattie Webber, Moses Webber, Wesley Webber, Edward N. Webber, Mary Beck, Edward Derriek, and John Wright as Cherokee freedmen are hereby denied.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inclosure.

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlora Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl.P-7  
MMP

Commissioner.

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Louis T. Brown,  
Attorney for Joe Ross, et al.,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlora Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.P-7  
MMP

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Blue & Bulger,  
Attorneys for Joe Ross, et al.,  
Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al. and rejecting the applications for the enrollment of Chlora Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by you September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-6  
MMP

Commissioner.

Cherokee freed-  
man D. 398

Muskogee, Indian Territory, July 6, 1906.

Flemings Meigs,  
Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by your attorneys September 7, 1905, for review of your case was denied by the Department on said date.

Respectfully,

Commissioner.

MMP



D.C. 55848-1906.

( COPY )

STARR & PATTEN,  
ATTORNEYS AT LAW,  
VINITA, I. T.

December 22nd 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes

Muskogee I T

Dear Sir:

Referring to the Cherokee Freedmen Enrollment cases of Luella Snaden et al and Chlera Grayson et al we beg to advise you that we have repeatedly reminded these applicants that they ought to file all of the affidavits they can secure in support of their motion for rehearing and in as much as they have given the matter no further attention the case might as well be forwarded for Departmental action as soon as your office is ready for it to go forward as we have nothing further to offer in support of this motion for rehearing.

Yours truly,

(Signed) Starr & Patten,  
J.C.B.

Muskogee, Indian Territory, December 27, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed August 20, 1906, by Starr & Patten, attorneys for applicants, Vinita, Indian Territory, for a rehearing of the Cherokee freedmen consolidated case of Joe Ross et al. No. D 360 et al., insofar as it rejects the applicants Chlera Grayson, et al. With their letter of October 10, 1906, said attorneys forwarded affidavits by Dunk Vann and Stephen Little, which they requested be filed in support of their motion, and they also requested that they be allowed thirty days within which to file additional affidavits in support of their motion. Since that time they have filed no new affidavits. These attorneys represent practically all of the Cherokee freedmen cases that are now pending, and they have filed a number of motions

**Secretary-3**

to review and reopen pending cases. They have also filed from time to time, affidavits and additional motions in support of their motions filed within the time limited by the Act of April 26, 1906. On December 21, 1906, said attorneys verbally advised the office that they had filed all of the papers they desire in connection with their motions.

June 25, 1906 (I.T.D. 7538-8884-8900-1906), the Department affirmed the decision of the Commission to the Five Civilized Tribes favorable to a part of the applicants embraced in the Cherokee freedmen consolidated case of Joe Ross et al., and adverse to a part of the applicants therein. The motion referred to applies to applicants embraced in said case to whom the decision was adverse.

An examination of the original record in this case shows that the motion for a rehearing is without merit. The applicants in the case were represented in the hearing of the case by able attorneys, and a great mass of testimony was introduced in their behalf and on behalf of the Attorney for the Cherokee Nation. The motion is

Secretary-3

based upon the ground of newly discovered evidence, but there is no affidavit by any of the applicants showing that the evidence they now seek to introduce is newly discovered, or that with due diligence they could not have secured it when the case was heard before the Commission. Both of the parties to the affidavits filed in support of the motion reside in the Cherokee Nation, and when the Commission was engaged in hearing Cherokee freedmen cases, they testified in a number of cases.

It is respectfully recommended that the motion for a rehearing be denied.

There is enclosed a motion filed August 24, 1906, by Zevely A. Givens, Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in said case. The protest of the Attorney for the Cherokee Nation, filed September 26, 1906, against this motion is also enclosed. The applicant, Mary Beck, was born prior to the breaking out of the war of the rebellion, and in accordance with the provisions of the Act of Congress approved April 26, 1906 ( 34 Stat., 137), she can not claim

Secretary-4

a constructive residence in the Cherokee Nation on account of the return to the Cherokee Nation of her father, Peter Meigs. The record in this case, as well as the records in various other Cherokee freedmen cases, shows that the family of Peter Meigs, and also the families of the persons with whom Peter Meigs returned to the Cherokee Nation after the war of the Rebellion, did not return to the Cherokee Nation until subsequent to February 11, 1867.

It is recommended that this motion for review be denied.

There is also enclosed a motion for review of the Cherokee freedman case of Edward Derrick, one of the applicants in said case. This motion was filed August 24, 1906, by Roy T. Osborne and W. J. Sullivan, attorneys for applicant. This motion has no merit, for the reason that it does not point out any erroneous construction of the law in the Department's decision. It is also respectfully recommended that this motion be denied.

Respectfully,

Through the

Commissioner of Indian Affairs.

Encl. B-9

Commissioner

(COPY)

Refer in reply to the following:

Land.  
78-1907  
2937-1907  
53921-1906

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

January 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of the Commissioner to the Five Civilized Tribes, dated December 27, 1906, transmitting motion for a re-hearing in the Cherokee Freedman consolidated case of Joe Ross, et al., in so far as it rejects the applicants, Chlera Grayson, et al.

This motion was filed with the Commissioner on August 20, 1906, by Starr and Patten, attorneys for the applicants, at Vinita, I. T. With their letter of October 10, 1906, the attorneys furnished the Commissioner affidavits by Deak Vann and Stephen Little, to be filed in support of their motion.

On June 28, 1906 (I. T. D. 7528, 8884, 8900-1906), the Department affirmed the decision of the Commission favorable to a part of the applicants embraced in the Cherokee Freedman case Joe Ross, et al., and adverse to a part of them. The motion herein applies only to the applicants embraced in Departmental decision who were rejected thereby.

In connection herewith the attention of the Department is invited to a report of Commissioner Nixey dated January 7, 1907, which is transmitted on this day in connection with the



Cherokee Freedman case of Chlara Grayson, et al., with which is enclosed copy of letter from Starr and Patten, attorneys for the applicants, dated December 22, 1906, saying that they have repeatedly called the attention of the applicants to the necessity of filing further affidavits in support of their motion for a re-hearing, and that they have given the matter no further attention. For this reason they say they have nothing further to offer in support of the motion.

The record in this case shows that the applicants were represented in the hearing by able attorneys and a great mass of testimony was introduced on their behalf and on behalf of the attorneys for the Cherokee Nation. The motion is based on the ground of newly discovered evidence, but in view of the letter from the attorneys for the applicants saying that no further affidavits will be filed in support of the motion, and of the further fact that it is not shown that with due diligence the evidence could not have been secured when the case was heard before the Commission, it is recommended that the motion for re-hearing be denied.

There is also enclosed a motion filed with the Commissioner to the Five Civilized Tribes, August 24, 1906, by Zevely and Givens, of Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in the case of Joe Ross, et al. The protest of the attorney for the Cherokee Nation, filed with the Commissioner September 26, 1906, against this

motion, is also forwarded herewith.

The record herein shows that Mary Beak was born prior to the breaking out of the War of the Rebellion, and in accordance with the provisions of the Act of April 26, 1906 (34 Stat. L., 137), she cannot claim a constructive residence in the Cherokee Nation on account of the return thereto of her father, Peter Meigs.

The record further shows that the family of Peter Meigs, and also the families of persons with whom he returned to the Cherokee Nation after the war, did not return until subsequent to February 11, 1867. It is recommended that this motion for review be denied also.

Edward Derrick, one of the applicants in the case of Joe Ross, et al., by his attorneys, Roy T. Osborne and W. J. Sullivan, filed a motion for re-hearing with the Commissioner on August 24, 1906, which is enclosed.

As this motion fails to point out any erroneous construction of the law in the Department's decision, it is recommended that it be denied.

The record in the case is herewith enclosed.

Very respectfully,

C. F. Larrabee,  
Acting Commissioner.

AJV-D

JF Jr

(COPY)

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

I.T.D. 1542-1907  
D.C. 6292-1907.

January 29, 1907.

INS  
LNS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir: —

On January 18, 1907 (Land 2937), the Indian Office transmitted your report dated December 27, 1906, submitting for departmental consideration a motion for rehearing filed in behalf of Chlera Grayson et al., a motion for review filed in behalf of Mary Beck, and a motion for review filed in behalf of Edward Derrick, the last two motions involving persons who are parties to the first motion.

The attorney for the Cherokee Nation files protests which apparently covers nearly all of the parties named in the motions. Argument is also submitted by the attorneys for Edward Derrick.

You recommend, for reasons set forth in your report, that all the motions be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department has considered these motions, together with the few supporting affidavits filed, the argument of attorneys on behalf of the applicants and the nation, and the original

record. In regard to the motion for rehearing, the affidavits submitted show no evidence not heretofore considered by the Department. The record is voluminous, and it would appear that in the five years elapsing since the filing of this application ample time has been given to permit the applicants, by the exercise of due diligence, to have secured the necessary evidence to establish their rights as Cherokee freedmen.

The motions for review point out no specific error; one alleges error in your decision, when in fact the decision in the case was made by the Commission to the Five Civilized Tribes.

The three motions transmitted are without merit. They are hereby denied.

The papers are returned for the files of the Indian Office.

Respectfully,

Thos Ryan  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 Inc. and 26 to Ind. Of.

Cherokee F.  
R 820

Muskogee, Indian Territory, February 15, 1907.

Flemings Meigs,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that a motion for rehearing of the Cherokee freedmen enrollment case of yourself, et al., filed by your attorneys, Starr & Patten, Vinita, Indian Territory, on August 20, 1906, was denied by the Secretary of the Interior, January 29, 1907.

Respectfully,

JMH

Commissioner.

Charles F.  
R. All.

Muskogee, Indian Territory, February 16, 1907.

Starr & Patten,  
Attorneys for Chlora Grayson, et al.,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that a motion, filed by you August 20, 1906, for a rehearing of the Cherokee freedmen enrollment case of Chlora Grayson, et al., was denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. H-1  
JMH

Commissioner.



Cherokee F.  
R 811 et al.

Muskogee, Indian Territory, February 15, 1907.

V. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory..

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of Chlera Grayson, et al., filed August 20, 1906, and motions for review of the Cherokee freedmen enrollment cases of Mary Beck and Edward Herrick, filed August 24, 1906, were denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. N-12  
JMH

Commissioner.

Cher. Fr. R. 821

Trans. from Cher. Fr. D. 396

Cher. Fr. R. 821

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 22, 1901.

In the matter of the application of John Meigs for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Breckinridge he testified as follows:

- Q Give me your name? A John Meigs.  
Q How old are you? A 27.  
Q What is your post-office? A Wimer, I.T.  
Q In what district do you live? A Coowessawee.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Do you want to apply for anybody except yourself? A No one but myself.  
Q How long have you lived in the Cherokee Nation? A All my days, born here.  
Q Give me the name of your father? A George Meigs.  
Q He is alive is he? A Yes sir.  
Q Give me the name of your mother? A Lucinda Meigs.  
Q Is she sometimes called Cindy? A Yes sir, Cindy for a short name.  
Q She is alive, is she? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant and name not found;  
1896 census roll of citizens of the Cherokee Nation examined for applicant, and name not found;

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified as follows:  
page 128 #3190 John Meigs, Coowessawee Dist, 15 years old.

- Q Is there any other John Meigs besides you? A I am the only one that I know of.

Com'r to roll and clerk: Who is he with there?  
A George Meigs, Fleming Meigs, Georgie, Aurinia, Luella.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on  
page 127 #2667 John Meigs, Coowessawee District.

Com'r Breckinridge: The applicant states that he has lived in the Cherokee Nation all his life; he is 27 years of age; he is not identified on the roll of 1880 or on the roll of 1896, but he is identified on the Kerns-Clifton roll and on the Wallace roll; he will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and for fuller testimony in his case reference is made to that of his father, George Meigs Sr., which has just been taken, and also to that of his grandmother, Elizabeth Meigs, to which reference is made in the case of George Meigs, Sr. The applicant's claim seems to depend entirely upon the right of his father, he acquiring none through his mother, though she was lawfully married to the applicant's father; and in the case of George Meigs Sr. and Elizabeth Meigs, the question of their return from Kansas has been gone into very fully; when the Commission finally decides this case its decision will be made known to the applicant at his post-office address.

H.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this May 22, 1901.

Cherokee Freedman, v-396, John Meigs

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 22d 1901.

In the matter of the application of Elisabeth Meigs for enrollment as a Cherokee Freedman, she being sworn by Commissioner C.R. Breckinridge, testified as follows:

- Q What is your name? A Elisabeth Meigs.
- Q How old are you? A I don't know my age.
- Q About how old are you? A I was four years old when we came here with the old settlers.
- Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
- Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
- Q What is your post office? A Centralia.
- Q In what district do you live? A Cooweescoowee.
- Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
- Q Who do you want to have enrolled besides yourself? A My children.
- Q Have you any children under twenty-one years old? A No sir.
- Q They will have to apply for themselves then? A (No response)
- Q Have you a husband? A No sir he is dead.
- Q Then you only apply for yourself? A Yes sir.
- Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
- Q How long have you been called Meigs? A Ever since I was nothing but a girl.
- Q Were you married to a man named Meigs? A Peter Meigs.
- Q Is he dead? A Yes sir, five years ago in September.
- Q Was he a Cherokee Freedman? A Yes sir.
- Q Were you a slave in the Cherokee Nation before the war? A Yes sir
- Q To whom did you belong? A Reuben Daniel.
- The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.
- Q Are any of your family on that roll that you know of. A Yes, sir, Alice Sanders is on it, she is a daughter of mine, Alice is.
- The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:
- Page 125, No. 2653, Alice Sanders, Cooweescoowee district.
- The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.
- Q Did you draw your Cherokee strip money? A Yes sir.
- The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
- Page 100 No. 2612, Eliza Meigs, Cooweescoowee district.
- Q Did you ever go by the name of Daniel? A Yes sir them was my owners.
- The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
- Page 122, No. 40, Elisabeth Daniel.
- Note: Wife of Peter Meigs.
- Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
- Page 151, No. 8748, Elisabeth Meigs, Cooweescoowee district.
- Q Where were you during the civil war? did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
- Q When did you come back? A In the winter of '66.

- Q What time in the winter? A Well it was in the winter.
- Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
- Q What did he bring you down? A In the winter after he went from here on Big Creek.
- Q He came ahead of you then? A Yes sir.
- Q What time did he leave Kansas? A I cannot tell you when he first came.
- Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '88.
- Q Did he leave Kansas in the winter? A Yes sir.
- Q Was he down here when Christmas came? A Yes sir.
- Q Do you know how long it was before Christmas before he started to come here first? A No sir I don't.
- Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
- Q How long after Christmas before you and he started down here together? A Directly after.
- Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.
- Q What members of your family came down with you and your husband? A These children.
- Q Did you bring your child Alice Sanders with you? A Yes sir.
- Q All the children? A Yes sir.
- Q Can you explain why you are not on the roll of 1880? A No sir.
- Q Do you know why you are not on that roll? A No sir I don't know nothing about the rolls.
- By W. W. Hastings, Cherokee Representative:
- Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
- Q Where were you living in Kansas then? A Fort Scott.
- Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
- Q Was it as much as a couple or three weeks? A Yes sir I guess so.
- Q And then you started down here? A Yes sir.
- Q Was it in the spring of the year when you reached here? A No sir in the winter.
- Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there weren't no buds nor nothing on the trees. It was winter I tell you.
- Q You all came in wagons did you? A Yes sir.
- Q Who came with your husband down here when he first came? A Old man Mike Sanders.
- Q Who else? A Reuben Sanders.
- Q Who else? A Daniel Sanders.
- Q Anyone else that you remember? A There was Little Sam Webber and old man Sam Webber.
- Q Any other Webber's? A Aaron Webber.
- Q Did anyone else come down? A I don't remember anyone else now.
- Q Were you there when they started town? A We all come together I am telling you.
- Q But I mean when your husband came on in advance of you. Who came with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
- Q You were at Fort Scott then? A Yes sir.
- Q And they all started together? A Yes sir.
- Q These that you have named are all the you can think of at the present time? A Yes sir.
- Q Did they come in wagons or on horse-back that time? A They came in wagons when they first came.



- Q And after Christmas you all came down did you? A Yes sir.
- Q Did you come in wagons then? A Yes sir.
- Q Did you come by a little place called Chatopa? A Yes sir.
- Q Where did you come to in the Cherokee Nation? A I come right there I am living yet when I come to the Cherokee Nation.
- Q And you are living there yet? A Yes sir, that old house was built in '88.
- Q What house? A That one we is living in.
- Q And you are living at the same old place? A Yes sir, in the same old house.
- Q On what creek is that? A Big Creek.
- Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
- Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
- Q Did you see anyone from Chatopa along the road through the Nation to Big Creek when you came there? A No sir.
- Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
- Q You all came back together? A Yes sir.
- Q Now Auntie, did any additional people - any other families come down with you? A I don't know who all come down, I am just telling you what I know.
- Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
- Q Did Aaron Webber come? A Yes sir.
- Q And your family? A Yes sir.
- Q Are there any that I missed? A That is all that I gave you.
- Q Is that all that come? A Aaron Wright come with us.
- Q Who else? A (No response)
- Q Were there any others at all? A I am telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
- Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
- Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
- Q Who? A Lurie Riley was there on Verdigris, but now where we was living.
- Q How far from where you settled? A I don't know how far.
- Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
- Q Were they the closest residents to you at that time? A Yes sir.
- Q Were there any Delaware Indians there when you come there? A No sir I never saw none.
- Q Any Gadsden? A No sir, never saw none.
- Q You didn't see anybody on Big Creek, neither white or back, except those that come with you? A That is all.
- Q And you have been there ever since? A Yes sir, ever since we moved there.
- Q You say your husband Peter Waige built a house there? A There is a log house there and he bought the house and we moved to it.
- Q Who built the house if you know? A Henry Harold.
- Q Was he a colored man? A Yes sir.
- Q Is he living? A I can't know if he is or not.
- Q Some 3 or 4 years after you come down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
- Q They didn't admit him then did they? A I can't know sir.
- Q You know he was disputed? A I don't know nothing about it, I never paid any attention to any such things as that then.



By the Commission:

Q Were you ever admitted by the Cherokee or United States Court or Commission? A I don't understand what you say.

Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enr'led us before he died.

Q I mean in Court? A That is what I was talking you.

Q You know what a court is don't you? A Yes sir.

Q What court do you know? A Kerna Clifton court.

Q Any other court that you know of? A I know of the Wallace court.

Q Any others? A No sir.

Q Did he ever have anything done about your case by the Cherokee Council? A I don't know what was done, my man went there every year or two but I don't know what was done there.

Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.

Q Have you any witnesses with you that you want to introduce?

A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner G. R. Brock-inridge, testified as follows on the part of the applicant.  
(Examined by the Commission)

Q What is your name? A Ruben Sanders.

Q How old are you? A I suppose I am about 50.

Q What is your postoffice? A Cantralia.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.

Q Who did you belong to? A James Sanders.

Q Were you taken to Kansas during the war? A Yes sir.

Q You have a wife named Alice have you? A Yes sir.

Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 175, No. 2657, Reuben Sanders, Coowasecoowee district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.

Q What court? A The Chambers Court.

Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.

Q In what year was that? A I can't tell what year it was.

Q Your citizenship had been disputed had it? A Yes sir.

Q When was your right to citizenship first disputed? A It was during the time that Thompson Oschalla was chief.

Q Was that before the 1880 roll was made? A Yes sir.

Q Did the Court decide in your favor? A Yes sir.

Q Was there any dispute made then about your being put on the 1880 roll? A No sir.

Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.

Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.

Q Where did they take your name? A I was in Coowasecoowee Band, at the time.

Q Do you know the applicant Elizabeth Maise? A Yes sir.

Q Your wife is her daughter? A Yes sir.

By V. F. Hastings:

Q Peter Maise's citizenship was disputed the same time yours was?

A Yes, sir.  
Q Did he go before the court at the same time? A No sir, I think not.  
Q His wife's citizenship was also disputed? A I judge so.  
Q Did she go down before that court? A Not to my knowledge.  
Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.  
Q Was Bob Daniels Chief Justice of that court? A Yes sir.  
Q Just a few years after the war? A Yes sir.  
Q In '71 wasn't it? A Yes sir.  
Q Was any action taken in that court? A I don't know.  
Q You were there yourself? A No sir.  
Q You were about 12 or 13 years old when you come back? A Yes sir I guess so, I don't exactly know how old I was.  
Q You were not married then? A No sir.  
Q How long after you got back before you married? A Not very long after I got back.  
Q Did you marry on your way down here? A No sir.  
Q How long had you been here before you married? A I have been married twice.  
Q How long had you been here before you married the first time? A Not very long.  
Q As much as a year? A May be so.  
Q Is that your best judgment? A My best judgment is perhaps that it was that long.  
Q When were you married to your present wife? A Upwards of 30 years, or so.  
Q How long did you live with your first wife? A Not very long, she died.  
Q A Year? A Perhaps it was, maybe a little longer.  
Q Then you married your present wife? A Yes sir.  
Q When you came to the Cherokee Nation how did you come the first time? A In wagons.  
Q The first time? A Yes sir.  
Q Who came with you? A Several were on horse-back; it is beyond my knowledge how many there were.  
Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.  
Q Did you come in August? A Yes sir.  
Q Who came with you then? A Some of this family, Peter Hays and got his place: the heads of these families.  
Q Who else came with you? A My brother Dan and the Whitaires.  
Q Which ones? A Several.  
Q Which ones? A Hays and Dennis, and the Webbers.  
Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I don't know who else, I don't know who all come.  
Q Who came when you come in October? A I don't know who all come then, so e of that same crowd and some more come in October.  
Q Do you remember any additional persons? A To the best of my knowledge the Smith family.  
Q What was his first name? A Old Sam Daniel Smith.  
Q You come in both of the detachments yourself? A No sir.  
Q Which one did you come in? A I come in August.  
Q You didn't come in October then? A Yes sir, I came when we first come; we brought some of our farming utensils when we come in August and left the on the creek.  
Q On Big Creek? A Yes sir.  
Q Where Mrs. Hays lives? A Yes sir.  
Q And you returned in October, how long did you stay in October?

A We didn't all return in October, we didn't all go back, some stayed in August, some staid and some come back: some of us brought our things with us and some came to look our homes, we all come with the intention of making our homes here.

Q When did you afterwards move here the first time? A In the winter of '86 is when we come down here the first time.

Q What time in the winter? A Long in January.

Q You mean in '87? A No in the winter of '86.

Q Is you came here in the August and October of '86 and then returned for your families and come down here in the following winter, in the following January or February, that would be in '87? A I don't understand you: we came here in the winter of '86 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '86? A Yes sir.

Q What was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possibly can remember of who come with you in the January of February following?

A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.

Q I don't mean only of that family, there were other families were there not? A Old man Willie Foreman.

Q Who else? A He had several children.

Q The heads of families I mean? A Fannie Sanders; I don't recollect that all: I don't know as I can call the names of all of them.

Q Were any of the Webber along? A Yes sir.

Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and so I can't remember for if I had forgotten them I don't think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.

Q Did his son Sam come? A Yes sir.

By W. W. Hastings:

Q Don't you remember anyone else? A Rachel Webber.

Q Do you think of anyone else? A No sir.

Q You know that it was a mooted question before the Kansas Office Commission as to when came at this time and as to when you came? A I haven't been interested as to anyone except for myself.

Q You know that there is a question about who came don't you? A Yes sir I guess I do.

Q You say you came to Big Creek? A Yes sir.

Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I don't know that they called it Chetopa then, there was a house or so there.

Q Did you cross the river there? A What river.

Q Neosho? A No sir.

Q You didn't cross at the Alsting ferry? A No sir we crossed 20 or 25 miles from there.

Q You came through what is Chetopa and came on west through the prairie? A We may have.

Q You were in wagons? A Yes sir.

Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of anyone living there before that.

Q Were there any houses there except those that your crowd built?

A I don't know of any houses, but there were foundations for them on Big Creek.

Q Then the houses were not built before you moved there with your



- Q Families? A Yes sir some were, there were logs on some up 8 or 10 logs high.
- Q Then there were men really established until you moved there with your families? A No sir.
- Q Did you make a crop there the first year that you moved there? A Yes sir, as near as we could with one horse plow and man.
- Q Do you know Jim Martin? A Yes sir.
- Q How far does he live from you now? A 5, 6 or 8 miles.
- Q Was he living there when you people moved there? A No sir.
- Q He had a brother named William Martin? A Yes sir.
- Q Was he living out there then? A No sir.
- Q There was an old man by the name of Carter living out there then, wasn't there? A No sir. There was an old man named Barber living 30 miles perhaps from there quite a while after we were there.
- Q Was his name Dick Carter? A I think it was.
- Q You say he lived some 30 miles from there? A Yes sir 30 miles below, on the Verdigris river. He came some time after.
- Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir he never crossed on Gilstrap ferry.
- Q There was no frame and there when you passed through - no citizens had come up there? A No sir none that I saw.
- By the Commission:
- Q You stated, I believe, that the first time that you came to the Cherokee Nation after the Civil War closed was in August of '65? A Yes sir.
- Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
- Q You didn't bring your families with you then? A Only part of them and some things that we had.
- Q Part came with their families and part came to prepare for their families? A Yes sir.
- Q What men were with you on that first trip? A This family, the Weigs family, not all of this man's boys, but the old man Weigs, Peter Weigs.
- Q You didn't bring your family with you at that time did you? A No sir.
- Q Did Peter Weigs bring any family then? A No sir.
- Q Did you go back to Kansas after that? A Yes sir.
- Q When did you bring your family? A Our family came in October.
- Q When did Peter Weigs go back to Kansas? A I think with my father.
- Q You came yourself in August? A Yes sir with my father.
- Q You went back to Kansas after that? A Yes sir my father went there and I went with him.
- Q When did Peter Weigs go back? A He went with the crowd.
- Q Did he go with you and your father? A Yes sir.
- Q Then you returned to the Cherokee Nation again in January? A Yes sir.
- Q Did your father come with you? A Yes sir.
- Q Did all the members of your own family come with you? A No sir not all of them came in October.
- Q Where was Peter Weigs in October? A He came with us on each trip.
- Q Did he go back to Kansas with you? A Yes sir.
- Q And then you came back here to the Cherokee Nation in October? A Yes sir.
- Q Did Peter Weigs come back with you to the Cherokee Nation in October? A Yes sir.
- Q That made the second time that Peter Weigs had been here? A Yes sir.
- Q Where was Peter Weigs in December of '65, do you know? A No sir I don't exactly know where he was in December of '65.
- Q When Peter Weigs got back to the Cherokee Nation, did his family

Q Did he settle in the Cherokee Nation near your family? A Yes sir.

Q How far apart? A Two or three hundred yards apart.

Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.

Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.

Q You stated that was? A Yes sir.

Q When did you come? A In the winter.

Q Was it in February? A Must have been in December.

Q What about that February trip you spoke of? A It was in the winter some time. Snow was on the ground.

Q Did your father come at that time? A Yes sir.

Q Your mother? A Yes sir.

Q Peter Neiga? A Yes sir.

Q His wife? A Yes sir.

Q That was your third trip? A Yes sir.

Q Was that your last trip? A Yes sir.

Q When did your wife Alice come? A Some time.

Q On that third trip? A Yes sir.

Q You say Peter Neiga made all three trips with you? A Yes sir.

Q Every time you came he came? A Yes sir.

Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.

Q Did he go there by himself? A No sir.

Q Do you remember distinctly that you came here in August the first time? A Yes sir.

Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.

Q Do you remember distinctly that he came with his family when you made your third and last trip? A Yes sir.

Q With his family? A Yes sir.

By Sam'r Breckinridge. The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the civil war. She is identified on the Lewis-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1890. The testimony indicates that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1865, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased. But he and the applicant were married at that time and had several children. The testimony further indicates that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing the purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It so appears that proceedings may have been had by some Cherokee court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Cherokee court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will not be listed for enrollment as a Cherokee and the time

Location of the Commission will be made known to her at her  
postoffice address.

When you write, being given stated that he stenographer to  
the Commission to the Five Civilized Tribes has reported in full all  
the proceedings in the above case and that the foregoing is a full,  
true and correct transcript of his stenographic notes thereon.  
Signed, Chas. von Weise,  
Subscribed and sworn to before me this 22nd day of May, 1901, at  
Oklahoma, I-T.

Charles F. S. Macdonald,  
Commissioner.

Supplement:

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Wichita, I-T., May 22, 1901.

In the matter of the application of Elizabeth Myge for en-  
rollment as a Cherokee Freedman.

REUBEN SANDERS, having been before sworn by Commissioner Breck-  
inridge, testified as follows:

Q Give your name? A Reuben Sanders.

Q How old are you? A I am only about 24 years.

Q You have testimony just now in the case of Elizabeth Myge?

A Yes sir.

Q And you want to correct a statement you made there? A Yes sir,  
I wish to take the statement that it was in January, 1867, when we  
made the last move, about the first of the month. It was the follow-  
ing August in 1866; we had been here in August you know, in '66 and  
in October, and we made the last move in '67, January, and I put it  
down February I think. I wanted to say a sorry.

Q How did you find out how it was January instead of February?

A It was just after Christmas that we was on the road coming down.

Q How long after Christmas? A Perhaps a week after Christmas;  
my reason for stating this is this, along Christmas - a few days be-  
fore Christmas there was a man got killed named Hayford, and there  
was a gentleman killed him, a colored man killed that man Hayford,  
a man by the name of Mackey, and we started then right shortly after  
that killing was, and the parties followed us, thinking he was with  
us, in our crowd, that was just the following - a few days after  
Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. T. Hartley:

Q How old are you? A Well I just don't know w age exactly, I  
suppose that I am about 20 years old; something in that line.

Q Where did you say that killing took place? A In Kansas.

Q Fort Scott? A Yes sir.

Q And the man that was accused of the killing was named what?

A James Mackey.

Q You remember his first name? A No.

Q You was over the man who was killed, you got his first name?

A No sir I do not.

Q Did you ever learn afterwards whether or not that man was caught,  
do you know? A It seems to me like I learned afterwards that the  
man was caught, but I don't know nothing about that part of it.



Q You know what county Pittsboro is in? A No sir.  
Q Who called your attention to this error? A I thought so myself;  
I called my own attention to it; I was studying over it; I did.  
Q You know now it was only a few days after Christmas? A Yes sir,  
a few days after Christmas.

Com'r Breckinridge: This statement will be filed as  
supplemental in the Elizabeth Neige case, to be considered in  
connection with the former statement of the witness, and the  
other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he correctly recorded  
the testimony and proceedings in this case and that the foregoing is  
a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,

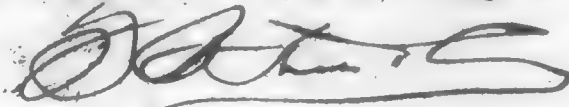
Subscribed and sworn to before me this May 23, 1901.

Signed, C. R. Breckinridge,  
Commissioner.

-----  
Bruce C. Jones, being duly sworn, says that as stenographer to  
the Commission to the Five Civilized Tribes he copied the foregoing,  
and the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 20th of August, 1901.



Commissioner.

File with CFD- 396, John Meigs.

REPORTED, as to wife, Matilda.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Viatta, I. T., May 22d, 1901.

In the matter of the application of George Meigs, Sr., for the enrollment of himself, wife and child as Cherokee Freedmen; said Meigs being sworn and examined by Commissioner C. R. Brockinridge, testified as follows:

- Q Give me your name. A George Meigs.  
Q How old are you? A I could not tell you.  
Q Well as near as you can come? A Well I guess I must be about  
60 I guess.  
Q What is your post office? A Win'r I believe.  
Q In what district do you live? A Coowasegoowa.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Do you want to apply for anybody besides yourself? A Well, I  
guess I do, I have got a wife and two children that is under age  
yet.  
Q You apply then for yourself, your wife and two minor children?  
A Yes, sir.  
Q Are these children both unmarried? A One of them is.  
Q And one of them is married? A Yes, sir.  
Q That brings you down to one child you can apply for? A Yes, sir.  
Q Is that child living now? A Yes, sir.  
Q How long have you lived in the Cherokee Nation? A Why, ever  
since '66.  
Q Did you live in the Cherokee Nation before that? A Yes, sir.  
Q Did you live in the Cherokee Nation at the time of the war?  
A Yes, sir.  
Q Where were you born? A Born in the Cherokee Nation.  
Q Have you lived in the Cherokee Nation all your life except a  
little while about the time of the war? A Yes, sir.  
Q Were you a slave in the Cherokee Nation at the time the war broke  
out? A Yes, sir.  
Q To whom did you belong? A Reubin Daniel and Lila Daniel.  
Q Were they recognized citizens of the Cherokee Nation? A Yes, sir.  
Q Give me the name of your father? A Peter Meigs.  
Q Is he dead? A Yes, sir.  
Q How long has he been dead? A I could not tell you.  
Q Give me the name of your mother? A Elizabeth Meigs.  
Q She is alive isn't she? A Yes, sir, she was enrolled just now,  
her name was ~~Elizabeth~~ ~~Meigs~~ Give me the name of your wife?  
A Matilda Ward.  
Q Her name was Ward was it, Meigs now? A Yes, sir.  
Q How old is your wife? A I could not hardly tell you.  
Q Well as near as you can come. A I got a paper here.  
Q This paper says that your wife was 24 years old in '99, she is  
about 24 years old now, is that about right? A I guess it is.  
Q You say your wife's name is Matilda? A Yes, sir.  
Q It is not Mahada? A No, sir, Matilda.  
Q When were you and your wife married, in '99? A I guess it must  
have been.  
Q Is this the certificate and license of your marriage? A Yes, sir.  
C. R. Brockinridge: The applicant presents a license issued  
by the Clerk of the United States Court, Northern District,  
Indian Territory, on June 28th, 1899, authorizing marriage  
between himself and his wife, as stated by him. The certificate  
shows that they were united in marriage on the 31st of July,  
of the same year, by the Rev. William B. Brown. This is filed  
herewith.  
Q Does your wife claim to be a Cherokee Freedman of her own right?

George Meigs Sr., et al 2.

- A Her father was Cherokee raised and his owners was George Ward.  
Q And what about her mother? A Well her mother wasn't.  
Q She was an outsider? A Yes, sir, I guess she was.  
Q As far as you know? A Yes, sir.  
Q Give me the name of your wife's father? A Josh Ward.  
Q Is he dead? A No, sir.  
Q Give up the name of your wife's mother? A Madeline Ward.  
Q Is she dead? A No, sir.  
Q And have her father and mother applied for enrollment?  
A No, sir, not yet.  
Q Now, Josh Ward you state may be a Cherokee Freedman of his own right? A Yes, sir, I know he is.  
Q How old is Josh Ward? A I could not tell you.  
Q Is he as old as you? A Yes, sir, he is.  
Q Is he as old as you? A Yes, sir, he may be a little older.  
Q How about Josh's wife, Madeline? A I could not tell you that.  
Q She is a good deal younger than you isn't she? A I don't know.  
Q Is she a woman of 40 or along there? A I expect she is.  
Q Do you know anything about the marriage of Josh Ward to his wife Madeline? A No, sir, I don't.  
Q How long has your wife lived in the Cherokee Nation? A I could not tell you that.  
Q Give me the name of this child for whom you apply? A George Meigs.  
Q Is that a child of this marriage? A No, sir.  
Q Child of a former marriage? A Yes, sir.  
Q How old is this child? A I guess he must be about 19 years old.  
Q Give me the name of the mother of this child? A Cinda Meigs, she was then; before I married her she was Cinda Towers.  
Q Is she dead? A No, sir.  
Q When did you marry her? A I could not tell you that directly, after we come to Big Creek.  
Q Pretty soon after the war? A I could not tell you, sir, pretty soon after we come down here, about a year or two I think.  
Q About how long did you and she live together, or about when did you separate? A Why, we lived together a good while, well we got five children.  
Q Well how long since you and she separated? A I could not tell you that.  
Q Well, I must find out something from you. (No response.)  
Q How long after this child George was born, don't you remember how old he was, or how big he was? A He must have been, let me see, he must have been about seven or eight years old when we and her parted I am just guessing at that now.  
Q Well, you have been parted something like ten or twelve years, something like that? A Yes, sir.  
Q Is that far from it? A Well, that's it, I think he was just about eight or nine years old when we and her parted separated.  
Q That child is named after you? A Yes, sir.  
Q Well we will call him George Meigs, Jr., if you have no objection.  
A We call him Georgie.  
Q We will call you Sr. if you have no objection. A Well, sir.  
Q Where is your wife, Cinda, living now? A Over here on Big Creek.  
Q Did you have a divorce from her? A No, sir, nothing more than an agreement that we wasn't no more man and wife.  
Q Were you ever married before you married this wife Cinda? A No, sir.  
Q Was she ever married before she married you? A No, sir.  
Q How about this present wife, Madeline, was she ever married before she married you? A No, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicant and his wife not found thereon.

The 1880 Census Roll of Freedmen of the Cherokee Nation examined and names of applicant's not found thereon.

George Meigs Sr et al 3

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's former wife not found thereon. The Toms-Clifton Roll of Freedmen of the Cherokee Nation examined and applicants' names found thereon as follows:

Page 126, #3189, George Meigs, Coconawcoos District.  
(Name of applicant's wife not found thereon.)

Page 126, #3193, Georgia Meigs, Coconawcoos District.

The Wallace roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 127, #2666, George Meigs, Coconawcoos District.

The name of applicant's wife not found on the Wallace Roll.

BY W.W.HASTINGS, Cherokee Representative:

Q What was your oldest child's name by your first wife? A John Meigs.

Q Is John alive? A Yes, sir.

Q How old is John? A Well, I could not hardly tell you I had his age all down, but they ought to know.

Q That is the oldest child? A Yes, sir.

Q Is John here? A Yes, that's him sitting right there.

JOHN MEIGS, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your name? A John Meigs.

Q How old are you? A 27.

Q What is your post-office? A Wimer.

Q Are you a son of this applicant here, George Meigs? A Yes, sir.

GEORGE MEIGS, SR., the Applicant, re-called:

BY W.W.HASTINGS:

Q What was John Meigs' mother? A Lucinda.

Q Married to her on Big Creek? A Yes, sir.

Q And you married her about a year after you came here? A Yes, sir, I guess it was about that, two or three years, something like that.

Q Short time after you came back? A Yes, sir.

Q And this is your oldest child? A Yes, sir, and there is my next oldest one sitting there.

Q Did you come back with your father and mother? A Yes, sir.

Q What time of the year was it you came back? A Came when they come.

Q What time of the year? A I don't know.

Q Was it February? A Yes, sir, I come right along with them and been here ever since, raised up my family.

Q You don't know what time of the year it was? A No, sir.

Q Was it the February, at the time Dan Sanders testified that you come? A Yes, sir.

Q You were not married then? A No, sir, I was with my father.

Q You were grown? A Yes, sir, but I was staying right with him.

Q 24 or 25 years of age? A Yes, I was with him, but of course we always was poor and had nothing and stayed with him until I got a little start.

Q You came in a wagon? A Yes, sir.

Q Did you build a house after you got here? A The house he lived in was built when he come.

Q He bought the house when he come here? A The crowd that was here before built the house; he made a trip and bought this house from this man who said this was too far from grub, wasn't anything to eat out there.

Q You didn't come with your father on his first trip? A No, sir.

Q You come when he came the last time to stay? A Yes, sir.

Q That is a fact is it? A Yes, sir, that's a fact.

Q Snow on the ground? A Yes, sir.

Q How long after Christmas was that? A I could not tell you I never paid any attention to that.



George Meigs Sr., et al 4.

Q You only know that you came with your father here to stay? A Yes, sir.

Q You never went back to Kansas after that? A I went once.

Q How long did you remain? A I started from home on Friday and got up there on Sunday and started back Tuesday.

Q How long was that after you came down there? A I think it was in June.

Q The following summer? A Yes, sir, we run out of grub, I didn't have anything to eat.

Q Do you know the month you come down here first? A No, sir, and I would not undertake to tell you that; what I know that is what I like to tell.

BY COM'R BRICKINRIDGE:

Q How long after you married your wife, Ginda, before this boy John was born? A I don't know, some two or three years I guess.

Q Didn't have any child for two or three years? A No, sir, I don't think I did.

Q And how long did you say you had been in the Cherokee Nation before you married? A Must have been some two or three years, I didn't keep any account.

Q You had made several crops had you? A Yes, sir.

COM'R BRICKINRIDGE: The applicant applies for the enrollment of himself and one minor child; the applicant states that he has lived in the Cherokee Nation all his life except his absence during the war and a short time thereafter when he was in the State of Kansas. He is identified on the Wallace roll and the Kerns-Clifton roll, but not upon the roll of 1880 or upon that of 1896. For further testimony in regard to the time when he returned to the Cherokee Nation from the State of Kansas, reference is made to the case of his mother, Elizabeth Meigs, which has been taken in the course of this afternoon, and a copy of the testimony in her case will be filed in this case. The applicant is now some thing like 60 years of age, and his testimony is that he came down to the Cherokee Nation for the first time after the war when his father moved the family down in the winter as he claims of 1866. Much of his testimony shows that it was in the February following the August of 1866. Attention will also be directed to the probable application made by this family to the Cherokee Citizenship or Supreme Court at sometime prior to the Wallace Court, of the Cherokee Nation in the matter affecting their status as Cherokee Freedmen. The applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card for the further consideration of his case.

His child, George Meigs, Jr., is identified on the Kerns-Clifton roll. This child's mother is shown to have been lawfully married to the applicant soon after the close of the Civil War. She is not identified on any roll and it does not appear that the child derives any right through its mother. It is a minor and still living and this child will now be listed for enrollment as a Cherokee Freedman on a doubtful card to await the determination of his status through his father.

As for the applicant's present wife, Matilda Meigs; she is shown to have married him in July, 1899. The license and certificate relating thereto are filed herewith. The applicant's wife is 24 years of age; she is not identified upon any roll in the possession of the Commission; neither is her father or her mother, both of whom are said to be alive, identified upon any roll in the possession of the Cherokee Nation and all of them have been searched. It further appears that the applicant never procured a judicial divorce from his first wife from whom he has been parted something

COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
WASHINGTON, D.C.  
MAY 28 1901

George Halsey Jr et al

like ten years. Therefore, the applicant's present wife having no status apparently of her own and having married too late to have acquired the right of enrollment by intermarriage, and her husband never having procured a judicial divorce from his first wife, is considered to have no right to enrollment at this time and the application for her enrollment is rejected.

-----0000000000-----

J.D. Rossby, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J.D. Rossby

Subscribed and sworn to before me this 28th day of May, 1901.

(signed) C.R. Brookridge,  
Commissioner.

-----0000000000-----

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he

copied the foregoing and that same is a true and complete copy of the original transcript.

*M.D. Green*

Subscribed and sworn to before me this September 28th, 1901.

*[Signature]*

Commissioner.

RECORDED  
INDEXED  
MAY 28 1901

RECORDED  
INDEXED  
MAY 28 1901



File with Cherokee Freedmen D-376, John Meigs.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Winters, Ind., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al. for  
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. E. Brown, agent for the applicant;  
J. S. Davenport, of counsel for Cherokee Nation.

L. E. Brown: I would like to have the record show that  
sometime last week the applicant intends to introduce as wit-  
nesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders  
and Sam Webb, for the purpose of showing that all the appli-  
cants in this case returned to the Cherokee Nation during the  
time prescribed by the Ninth Article of the Treaty of 1856.

Commissioner Needles: Hasn't that already been shown?

L. E. Brown: And that they have had a continuous resi-  
dence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, tes-  
tified as follows:

Mr. Davenport: What is your name? A Robert Meigs.

Where do you live? A I live five miles southwest of Tahlequah.

What is your postoffice? A Park Hill is my postoffice.

How old are you? A I am 56 my next birthday.

How long have you lived in the Cherokee Nation? A I have lived  
here all my life except a little while time of the war, from '64 to  
1866.

Did your people own any slaves before the war? A Yes sir.

Do you know whether they owned a woman by the name of Elizabeth?

No, sir.

Do you know whether or not they owned her mother, or anybody of  
the family? A Elizabeth, no, sir.

Well, did you know Peter Meigs? A Yes, sir.

Do you know what his wife's name was when the war broke out?

Betsy they called her.

Well, was she living, Betsy, at the time the war broke out?

Yes, sir.

Well, did you ever know her by any other name than Betsy?

Bettie.

Where was Peter Meigs and his family at the breaking out of the  
war? A Well Peter was with us at home at the breaking out, but he  
and his wife was up there somewhere near the Dutch Mills on the  
Arkansas side.

Q Well I wish you would look at that woman there and see if she  
is the woman you knew as Betsy or Bettie or whatever you knew her by  
(indicating applicant) A Yes, I think that is the one, I have never  
seen her but once.

Q That is since the war? A I just saw her once in my life and  
that was time of the war, after the war.

Q Did you ever see Peter Meigs and his family after the war? A Yes,  
sir, saw Uncle Peter.

Q What year was that? A Sometime after '71.

Q What were the circumstances as to your seeing him or meeting him?

A My brother came down to council to see about fixing up his  
rights, and he came down to visit my brother John, so were right  
together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversa-  
tion with your brother John in your hearing there and his wife

was present in regard to his rights or when he returned? A Yes, sir.

Q Give that conversation as near as you can.

A. J. Brown: The applicant objects to this as relating to conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q He asked and state what the conversation was between you? A He was talking about returning. He said he came down here in the fall of '85 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you shot off? A No, sir, just him and his wife is all. I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A That was after '71 sometime. I don't know just what time it was.

By E. T. Brown: Now when did you say that conversation was, Mr. Meigs? A He said that he had come down to make him a place somewhere up here on the Verdigris, on Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '85? A He said he came down and started to make him a home.

Q In the fall of '85? A Yes, in the fall of '85.

By E. T. Brown: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.

By E. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave out one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 324, D-326, D-328, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

*Bruce C. Jones*

Sworn to and subscribed before me this 7th of November, 1901.

*[Signature]*

Commissioner.

File with Cherokee Freedmen D-394, John Meigs.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Winta, I.T., October 29, 1901.

In the matter of the application of Elizabeth Meigs et al. for  
enrollment as Cherokee Freedmen.

Supplemental testimony in behalf of the applicant.

Appearances:

Brown, agent for applicants.

Hall, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Meekles, testifies as follows:

- Q By L. T. Brown: State your name. A Daniel Sanders.
- Q What is your age? A About 42.
- Q What is your position at present? A General.
- Q Do you recognize Elizabeth as the Cherokee Nation? A Yes, sir.
- Q Does your name appear upon the authenticated roll of 1880? A I think it does.
- Q You know Elizabeth Meigs and George Meigs? A Yes, sir.
- Q What relation is George Meigs to Elizabeth Meigs? A Her son.
- Q Did you know Peter Meigs during his life time? A Yes, sir.
- Q Do you know whether Peter Meigs, Elizabeth Meigs and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.
- Q When did they return to the Cherokee Nation? A They came in '88.
- Q With whom did they reside? A They came with me and my father and the neighbors.
- Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.
- Q Mr. Hall: When did you come to the Cherokee Nation yourself after the war? A In '86.
- Q What time of the year? A First of December.
- Q That was the first time? A Yes, sir.
- Q When did you make your second trip? A Along in first part of January.
- Q That was January, 1867? A Yes, sir.
- Q Now which one of these trips was it that Peter and his family came with you? A They came both times.
- Q Were both times? A Yes, sir, the old man came the first time and then the last time the family came.
- Q Peter came with you alone the first time? A Yes, sir.
- Q Then the second time he brought his family? A Yes, sir.
- Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.
- Q How was his children? A Then was his children.
- Q Well he has his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-395, D-396, D-401, D-402, D-403, D-407, D-478.

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 27th day of November, 1901.



File with Cherokee Freedmen D-592, John Meigs.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Winita, I.T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for  
enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:

L. T. Brown, agent for applicants;  
L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, tes-  
tified as follows:

By L. T. Brown: State your name? A Daniel Sanders.  
What is your age? A About 59.  
What is your postoffice address? A Centralia.  
Are you a recognized citizen of the Cherokee Nation? A Yes, sir.  
Does your name appear upon the authenticated roll of 1880?  
A I think it does.  
You know Elizabeth Meigs and George Meigs? A Yes, sir.  
What relation is George Meigs to Elizabeth Meigs? A Her son.  
Did you know Peter Meigs during his life time? A Yes, sir.  
Do you know whether Peter Meigs, Elizabeth Meigs, and George  
Meigs were out of the Cherokee Nation during the war? A Yes, sir.  
When did they return to the Cherokee Nation? A They came in '86,  
with whom did they return? A They came with me and my father  
and the Webbers.  
Have they had a continuous residence in the Cherokee Nation ever  
since? A Yes, sir.  
Mr. Bell: When did you come to the Cherokee Nation yourself after  
the war? A In '86.  
What time of the year? A First of December.  
That was the first time? A Yes, sir.  
When did you make your second trip? A Along in first part of  
January.  
That was January, 1867? A Yes, sir.  
Now which one of these trips was it that Peter and his family  
came with you? A They came both times.  
Came both times? A Yes, sir, the old men came the first time  
and then the last time the family came.  
Peter came with you alone the first time? A Yes, sir.  
Then the second time he brought his family? A Yes, sir.  
What did his family consist of? A Mary, George, Alice, Harry,  
Simon, and Percy.  
Then was his children? A That was his children.  
Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part  
of the record in the case at bar and part of the record in  
D-594, D-595, D-596, D-401, D-402, D-404, D-407, D-775.

Bruce Q. Jones, being duly sworn, says that as stenographer to the  
Commission to the Five Civilized Tribes he correctly recorded the pro-  
ceedings and testimony in the above case, and the foregoing is a true  
and complete transcript of his stenographic notes thereof.

*Bruce Q. Jones*

Witnessed and subscribed before me this 20th day of November, 1901.

Commissioner

F. D. 791.

To be filed with F. D. 596.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. May, 13, 1902.

In the matter of the application of Elizabeth Heigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. V. Hastings.  
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.

Q What is your occupation? A Port Scott, Kansas.

Q Do you hold any official position at the present time? A Yes, sir.

Q What is it? A County Clerk.

Q Of the county in which Port Scott is located? A Yes, sir.

Q Have you an official paper? A Yes, sir.

Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.

Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.

Q What was it? A The Port Scott Monitor.

Q Are you required to keep files of this paper in your office? A We are.

Q Have you a file of the official paper including December 22, 1866, up to and including March of 1867? A Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Port Scott Monitor of date Wednesday, December, 22, 1866, found on the second column of the editorial page, headed "Another Murder."

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSIONER: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

Another Murder.

Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 24th inst., after dark, Mr. Dyer Hayford, of this city, was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Port Scott for several years, has kept a grocery and provision store at the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott Mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mill, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Maygrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and R. L. Phillips. The body of Mr. Hayford having been removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Dr. J. S. Redfield and B. F. Hepler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Ezer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left hipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door. Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing tight swart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.



Harry Lander, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door, asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flash on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and upon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek, looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. G. H. Myer, sworn - I live about 100 yards west of Eli Mackey's. Saturday night he was at home sick abed; a man came to my house and inquired for me. I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonso Cullin told me he saw Mackey on the road towards home, and that Mackey heard a call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel D'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo; run out and another shot was fired before I got out. Immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Vesler Macey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I knew it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Myer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Harrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1887, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1887:

#### \*A Chapter of Horrors.

#### Murderer of Hayford Captured and Hung.

#### Tragic events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping corn to lead as fast as his weapon became empty. Finally, when nearly dead from his wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Herford last winter. - All reports indicate that he has always been a character with scornful parallels in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, an attempt was made to arrest him but failed on account of his desperation. The colored people, who know him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by the process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was soon burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Lee was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetery where it was interred.

#### Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning.

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '86, December? A I have lived there ever since '82.

Q Did you know Dyer Hayford? A Yes, sir.

Q Had you known him before December '86? A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him; who was said to have killed him, who was accused of killing him? A Yes, sir.

Q What? A Eli Mackey.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called Deacon Jones.



- Q That this other man have with you? A Yes, sir.
- Q About how long after this reported killing? A I heard the shots fired, then run down there and ran over him; I lit a match and this man drew his breath twice. From the time the shots fired I wouldn't it was more than twenty minutes.
- Q Twenty minutes? A Yes, sir.
- Q Had it become generally known at the time of the arrest? A No, sir.
- Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
- Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
- Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
- Q Was he put in jail? A Yes, sir.
- Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 28th I think it was.
- Q Of February following, of '87? A Yes, sir.
- Q Well did he make his escape? A He got away.
- Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
- Q Ed Coe was the turnkey, was he? A Yes, sir.
- Q I will ask you then if there was any searching parties out for this man? Yes, sir.
- Q For how long? I think he was killed on the 20th of March.
- Q From then about the 26th of February until the 20th of March - people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
- Q Well were there quite a number of people out searching for him? A Yes, sir.
- Q Considerable excitement at that time? A Yes, sir.
- Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
- Q Up until that time? Yes, sir.
- Q You say that was for about three weeks? A Yes, sir, something over three weeks.
- Q From the 26th of February up until about the 20th of March? A Yes, sir.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
- Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
- Q That I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 20th of February? A There was no search made for Mackey until he broke jail.
- Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail, I don't think it was much over a half an hour, I don't think it was any houses in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
- Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone, I lit a match and he was too far gone to speak.
- Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
- Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

- Q. What is your postoffice? A. Port Scott.
- Q. Kansas, yes, sir.
- Q. What is your age, please sir? A. 34.
- Q. Were you holding any office in the town of Port Scott, Kansas, in December of '86? A. I was.
- Q. Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A. I was.
- Q. What office was that? A. City marshal, called town constable.
- Q. You was a city policeman? A. Yes, sir.
- Q. Did you assist in his first arrest? A. I did.
- Q. Who assisted you in the arrest? A. Mr. Benjamin Files.
- Q. This man that's present here? A. Yes, sir.
- Q. Did you hear the shots that killed Hayford? A. I did.
- Q. How soon after Hayford was killed was Mackey arrested, Eli Mackey? A. 20 or 25 minutes, inside of a half hour at most.
- Q. Very short time? A. Yes, sir.
- Q. Had any houses or wagons or anything of that kind been searched in the mean time? A. No, sir, there was no knowledge.
- Q. People didn't generally know it up to that time? A. No, sir.
- Q. Put in jail then? A. He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
- Q. Well how long did he remain in jail, do you remember? A. Why I think something like six weeks or more.
- Q. Well the Port Scott Monitor puts it about February 26th? A. I presume that was right, it was correct. It was hard for me to remember exactly.
- Q. Well he remained in jail up to that time? A. Up till that time, he was not out of jail except while he was under guard.
- Q. He made his escape then? A. He made his escape, yes, sir, at the time.
- Q. You know how long he was at large? A. Well I put it something like three weeks.
- Q. I will ask you if there was any searches at that time made for him? A. You mean arrest?
- Q. When he got away after February 26th? A. Oh yes, sir, there was considerable hunt for him at that time.
- Q. Reward offered for him? A. Yes, sir, reward offered.
- Q. People searched around in the country for him? A. There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
- Q. He was afterwards captured was he? A. Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
- Q. Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A. He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.
- Q. COMMISSIONER: You are positive about these dates? A. To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.
- Q. '87? A. In '86 the killing was done.
- Q. Few days before Christmas of '86? A. Yes, sir.

MR. PASTING: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-216, with reference to the return of the Webber Detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, and immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775, and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(Signed) Philip C. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

*Arthur G. Evans*

Subscribed and sworn to before me this 23rd day of July, 1902.

*Philip C. Reuter*  
Notary Public.



C. H. Hall.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Hess, et al., for enrollment as Cherokee Freedmen, consolidating the application of ———

Joe Hess,  
Chilora Grayson, et al.,  
Aaron Webber,  
Elizabeth Heigs,  
George Heigs, Sr., et al.,  
John Heigs,  
Flonings Heigs,  
Irene Hanks, et al.,  
Rattie Garrell, et al.,  
Andrew Alberty, et al.,  
Harriet Webber et al.,  
Noses Webber,  
Wesley Webber,  
Edward E. Webber,  
Samuel Beck, et al.,  
Edward Herrick,  
John Wright,

Cherokee Freedmen D-350,  
Cherokee Freedmen D-496,  
Cherokee Freedmen D-810,  
Cherokee Freedmen D-801,  
Cherokee Freedmen D-894,  
Cherokee Freedmen D- 806,  
Cherokee Freedmen D-800,  
Cherokee Freedmen D-601,  
Cherokee Freedmen D-608,  
Cherokee Freedmen D-604,  
Cherokee Freedmen D-607,  
Cherokee Freedmen D-605,  
Cherokee Freedmen D-609,  
Cherokee Freedmen D-610,  
Cherokee Freedmen D- 776,  
Cherokee Freedmen D-618,  
Cherokee Freedmen D-824.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Joe Hess for himself; by Joe Hess for his sister, Chilora Grayson and her minor grandchild, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Heigs for herself; by George Heigs, Sr., for himself, his wife Mattilda Heigs, and his minor son, George Heigs, Jr., (the said Mattilda Heigs, being differently classified, is not embraced in this decision); by John Heigs for himself; by Flonings Heigs for himself; by Irene Hanks for herself and her minor son, George Hanks; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Floness Hanks; by Rattie Garrell for herself, her sister, Mattie Heigs, and her brothers, Nathan and Henry T. Heigs; by Elizabeth Alberty for herself, her husband Andrew Alberty, and her minor children, Mattie, Charity, Nellie, Sam and Dollie Alberty; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriet Webber for herself and minor child, Willie M. Webber, and minor ward, Rattie Webber; by Noses Webber for himself; by Wesley Webber for himself; by Edward E. Webber for himself; by Samuel Beck for himself, his wife Mary, and his minor child, Luquittie Beck; by Edward Wright for himself; and by John Wright for himself.

On July 10, 1903, the Commission rendered its decision in this consolidated case, which was forwarded to the department for its consideration, and on August 21, 1903, the Commission requested that the record relative to the application of Chloera Grayson et al., party applicants in this consolidated case, be returned for reconsideration, and on Oct. 2, 1903, the Department complied with said request of the Commission and returned said record and decision. On June 17, 1904, further proceedings were had in the matter of the application for the enrollment of Chloera Grayson, et al.

The record herein shows that on April 1, 1903, the Commission received a letter from the applicant in Cherokee Freedmen D-404, heretofore listed for enrollment as Elizabeth Liberty, wherein she stated that she desires to be enrolled as Lucile Liberty, and she will accordingly be considered in this decision under the last mentioned name. On June 6, 1904, the applicant in Cherokee Freedmen D-410, appeared before the Commission at Tahlequah, Indian Territory, and testified that his correct name was Edward Derrick, under which name he will be considered in this decision.

The evidence shows that Joe Ross, Chloera Grayson, Aaron Webber, Elizabeth Heigs, Peter Heigs, now deceased, husband of Elizabeth Heigs, Sam Webber, Sr., George Heigs, Sr., Andrew Liberty, Samuel Beck and Edward Wright, were slaves of Cherokee citizens at the commencement of the rebellion, and that during said rebellion they left the Cherokee Nation; the said Joe Ross, Peter Heigs and Sam Webber, Sr., returned to the Cherokee Nation in the summer or fall of 1864 and located some claims upon the public domain of the Cherokee Nation; they then returned to the State of Kansas for their families, and removed with them to the Cherokee Nation during the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck, wife of Samuel Beck, are daughters of Peter and Elizabeth Heigs, and were born in the Cherokee Nation prior to their parents removal to the State of Kansas, and returned to the Cherokee Nation with them; George Heigs, Sr., another child of Peter and Elizabeth Heigs returned to the Cherokee Nation with his parents at the time above mentioned. Millie M. Webber, Moses Webber, Wesley Webber and Edward N. Webber are the minor children of Harriet Webber, and possess no rights to enrollment except through their said mother, their father, Ellis Webber, not having returned to the Cherokee Nation within the time necessary to acquire rights as a Cherokee Freedman. Mattie Webber, included in the application of Harriet Webber, et al., is a daughter of Wesley Webber, Cherokee Freedmen D-407, and one Hissy Ross; it appears that the said Hissy Ross was born since 1866, and is the daughter of one Jesse Ross, whose application for enrollment as a Cherokee Freedman was denied by this Commission, and which decision was approved by the Department on May 20, 1904. George Heigs, Jr., John Heigs, Fleming Heigs and Irene Hanks, are the children of George Heigs, Sr., and possess no rights to enrollment except through their said father, their mother, Lucinda Heigs, now deceased, not being shown to possess any rights as a Cherokee Freedman; George Hanks and Florence Hanks are the minor children of Irene Hanks, and possess no rights to enrollment as Cherokee Freedmen except through their said mother.

Mattie Corvill, Katie Heigs, Nathan Heigs and Henry T. Heigs have been born since 1866, and are the children of Simon Heigs and Fannie Heigs; the said Simon Heigs is the son of Peter and Elizabeth Heigs and returned to the Cherokee Nation with his parents the latter part of February or first of March, 1867; their mother, Fannie Heigs is not shown to possess any rights as a Cherokee Freedman, and in the absence of such showing it will be presumed that she possesses no such rights.

Andrew Alberty returned to the Cherokee Nation with his step-father, Peter Hudson, and the Commission have heretofore found, in the case of Peter Hudson, Cherokee Freedmen B-404, that the said Peter Hudson returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitnair, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation, and his enrollment was approved by the Secretary of the Interior, April 29, 1904; his wife, Lizzie Alberty, is the daughter of Peter and Elizabeth Neigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Mattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, are their minor children, born since 1866.

Samuel Beck returned to the Cherokee Nation and established a residence therein within the time specified in the decree of the Court of Claims above referred to, and has since continuously resided in said Nation. The minor applicant, Luquittie Beck, is the child of said Samuel Beck, and has continuously resided with her father since birth.

Chilora Grayson returned to the Cherokee Nation at the time the Webbers returned with their families, which was too late to acquire any rights, under Article nine of the Cherokee treaty of 1866; her minor grandchild, Gertrude Grayson, for whom she makes application, is the daughter of Armstead Foster, who is identified on the 1860 authenticated Cherokee tribal roll.

Edward Derrick returned to the Cherokee Nation with his mother, Katie Whitnair, and his step-father, Moses Whitnair, at the time the Whitnairs and Webbers brought their families to the Cherokee Nation, which, from the evidence, is shown to have been the latter part of February or the first of March, 1867; John Wright is a son of Edward Derrick, born since 1866, and takes the status of his said father.

Aaron Webber returned to the Cherokee Nation with his brother, Sam Webber, in the summer of 1866.

It appears that Joe Hess, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and that the applicants, Gertrude Grayson, Lizzie Alberty, Mattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, have resided continuously in the Cherokee Nation since birth. None of the other applicants herein nor any of their ancestors through whom they claim, can be identified upon the 1860 authenticated Cherokee tribal roll.

It is, therefore, the opinion of this Commission that Joe Hess, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie Alberty, Mattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck and Luquittie Beck, should be enrolled as Cherokee Freedmen; and that the applications for the enrollment of Chilora Grayson, Elizabeth Neigs, George Neigs, Jr., George Neigs, Jr., John Neigs, Fleming Neigs, Irene Hanks, George Hanks, Elanah Hanks, Mattie Correll, Katie Neigs, Nathan Neigs, Henry T. Neigs, Harriet Webber, Millie M. Webber, Mattie Webber, Moses Webber, Wexley Webber, Edward H. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1896 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES  
SIGNED

TAMM BLIXBY,  
Chairman.

SIGNED T. B. KENDLER  
Commissioner.

SIGNED C. R. BRUNNENRIDER,  
Commissioner.

Dated Muskogee, Indian Territory,  
this APR. 17, 1904.

7 C-70316  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

OCT 21 1901



ACTING CHAIRMAN

COMMISSIONERS:  
HENRY L. DAVIS,  
TAMM STREY,  
THOMAS D. NEEDLER,  
C. R. BRACKENRIDGE.

ALFRED L. ATLEBOROUGH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Visita I. J. 10/19/01

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
John Meigs for enrollment as  
Freedman of the Cherokee Nation.

No. I. D. 396

Louis T. Brown  
Agent for applicant



COPY.

Cherokee Freedmen  
D-380 As.

Washburne, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the five Civilized Tribes, dated July 15, 1903, in the consolidated case of Joe Ross, et al., granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Neige, Andrew, Minnie, Mattie, Charity, Nellie, Ben, Dollie and Ned Alberty, Harriet, Millie K., Moses, Wesley and Edward N. Webber, Mary and Isaacie Beck, Edward Wright and John Wright, and rejecting the applications for the enrollment of George Neige, Sr., George Neige, Jr., John and Fleming Neige, Mattie Carroll, Katie, Nathan and Henry E. Neige, Irene, George and William Neige, Chlers and Gertrude Grayson, Mattie Webber and Samuel Beck, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Neefen.

Enc. H-22.

Commissioner in Charge.



COPY.

Cherokee File 776  
401-2-4-7-225-4-4  
I

Muskogee, Indian Territory, August 17, 1903.

Louis I. Brown,

Agent for Mary Beck et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Joe Ross et al., granting, among others, the applications for the enrollment of Mary and Luquittie Beck, Harriett and Millie M. Webber, Elizabeth Weiga, Andrew, Missie, Mattie, Charity, Nellie, Ben, Dollie and Ned Albany, and rejecting the applications for the enrollment of Samuel Beck, Mattie Webber, Mattie Carroll, Katie, Nathan and Henry T. Weiga, Irene, George and Florence Wanks, Florence and John Weiga, George Weiga Sr., and George Weiga Jr., as Cherokee freedmen. You have heretofore been furnished with a copy of the Record of Proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The minutes, together with the record of proceedings had  
in the case, has been transmitted to the Secretary of the  
Interior for his review and decision. The action of the Secretary  
will be sent down to you as soon as the Commission is informed of  
the same.

Very respectfully,

T. B. Needles,

Commissioner of the GPO

Very truly,  
Respectfully,

Respectfully,

COPY.

Cherokee Freedman  
D-396

Muskogee, Indian Territory, August 22, 1903.

John Meigs,

Wimer, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, respecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Enc. D-102  
Register.

Commissioner in Charge.

COPY

Cherokee Freedmen  
D-350 et al.

Muskogee, Indian Territory, August 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Joe Ross et al., including the Commission's decision dated July 10, 1903, granting the applications for the enrollment of Aaron Webber, Joe Ross, Elisabeth Meigs, Andrew, Lizzie, Hattie, Charity, Mollie, Ben, Dolly and Ned Alberty, Harriett and Millie M. Webber, Moses, Wesley and Edward H. Webber, Mary and Luquittie Beck and Edward and John Wright, and rejecting the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John and Flenings Meigs, Hattie Garell, Katie, Nathan and Henry T. Meigs, Irons, George and Flenon Hanks, Chlora and Gertrude Grayson, Hattie Webber and Samuel Beck, as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

At the request of the attorney for the Nation there are also enclosed two copies of his general brief in the Cherokee freed-

men enrollment, which he desires to have considered in connection with these cases.

Respectfully,

*T. B. Needles*  
Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

Enc. D-113

Lam  
53659-1903  
56859-1903  
61805-1903.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS.

A.C.T.

Washington, Oct. 3, 1903.

To the Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

In accordance with the request contained in your report of August 31, 1903, the record relative to the application of Glora Grayson, et al., parties applicants to the Fox Ross, et al. case, is returned. There is also enclosed the affidavit of Samuel Beck, a party to the case, which was filed in this office by Chester Howe, Esq., of this city, who requested that action be suspended on the case for a reasonable time in order that Samuel Beck might secure further and additional proof in relation to his right to enrollment. Mr. Howe has been advised of this action.

Very respectfully,

G.A.W.-L.C.

(Signed) W. A. Jones,  
Commissioner.  
A.C.T.



COPY.

Shawnee Creek

W-477, at the  
Shawnee, Indian Territory, April 17, 1906.

Louis T. Brown,

Attorney for Harriet Webber, et al.,  
Sachages, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1906, rejecting, among others, the applications for the enrollment of Harriet, Millie M., and Mattie Webber, Mattie Carroll, Katie, Nathan, Henry F., Fleming, John, Elizabeth, George W., and George Waige Jr., Irene, George and William Hanks, and granting, among others, the application for the enrollment of Andrew, Lizzie, Mattie, Charity, Nellie, Ben, Della and Ned Alberty, the Shawnee freedom. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED).

Tame Dixby.

Chairman.

Encl. 2-43  
Registry

COPY

Warren's Bookstore  
No. 100, 1st St.

Mustang, Indian Territory, April 17, 1900.

Sir,  
Hastings & Harcourt,  
Attorneys for the Cherokee Nation,  
Mustang, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1900, granting the applications for the enrollment of Joe Long, Garret Grayson, Aaron Webber, Andrew, Linnie, Mattie, Charity, Nellie, Ben, Dollie and Ned Alberty, Samuel and Luquitta Cook, and rejecting the applications for the enrollment of Clara Grayson, Elizabeth, George Sr., George Jr., John and Florence Nelson, Irene, George and Henry Banks, Mattie Carroll, Katie, Nathan and Henry T. Nelson, Harriet, Willie M., Mattie, Moses, Wesley and Edward N. Webber, Mary Cook, Edward Harwick and John Wright, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Wm. T. Bixby,  
Chairman.

Encl. 5-25.

2400

Charlene Freeman  
2-400, at M.

Washington, Indian Territory, April 17, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

Enclosed is herewith transmitted the report of proceedings had in the matter of the applications for the enrollment of Joe Ross, et al., as Cherokee Freedmen, including the Commission's decision dated April 17, 1906, granting the applications for the enrollment of Joe Ross, Vertress Grayson, Aaron Webber, Andrew Little, Mattie, Ghesity, Nellie, Sam, Willie and Joe Albert, Samuel and Esquittie Ross, and rejecting the applications for the enrollment of Chlera Grayson, Elizabeth, George W., George J., John and Fleminga Neigs, Irene, George and Florence Banks, Mattie Carroll, Katie, Nathan and Henry T. Neigs, Harriet, Millie M., Mattie, Moses, Vandy and Edward E. Webber, Mary Ross, Edward Derrick and John Wright, as Cherokee freedmen.

Respectfully,

SIGNED: *Tanna Bixby*  
Chairman.

Incl. 2-44  
Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

D-396.

Muskogee, Indian Territory, April 17, 1906.

John Meigs,

Wimer, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1906, rejecting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 2-47.  
Register.

SIGNED, *Tamie Biaby*,  
Chairman.



C O P Y .

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,  
Washington.

Land.  
30769-1905.  
43223-1905.  
44630-1905.

June 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 17, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Joe Ross for himself, his sister Chlora Grayson and her minor grand child, Gertrude Grayson; by Aaron Webber for himself; by Klizabeth Meigs for herself; by George Meigs, Sr., for himself and his minor son, George Meigs, Jr.; by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor children, George and Flemon Hanks; by Hattie Carrell for herself, her sister, Katie Meigs, and her brothers, Nathan and Henry T. Meigs; by Lizzie Alberty for herself, her husband, Andrew Alberty, and her minor children, Hattie, Charity, Mellicie, Ben, Dollie and Ned Alberty; by Harriet Webber for herself, her minor child, Willie M. Webber, and her minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward W. Webber for himself; by Samuel Beck for himself; his wife, Mary and his minor child, Luquittie Beck; by Edward Derrick for himself; and by John Wright for

himself.

62-

April 17, 1906, the Commission decided favorably to Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lissie, Hattie Charity, Mollie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck and adversely to Chlora Grayson, Elizabeth, George Sr., George Jr., John and Flemings Meigs, Irene, George and Flemon Hanks, Hattie Carrell, Katie, Nathan and Henry T. Meigs, Harriet, Millie M., Hattie, Moses, Wesley and Edward N. Webber, Mary Beck, Edward Derrick and John Wright.

The record shows that Joe Ross, Chlora Grayson, Aaron Webber, Elizabeth Meigs, Peter Meigs (deceased) husband of Elizabeth Meigs, Sam Webber Sr., George Meigs Sr., Andrew Alberty, Samuel Beck and Edward Derrick were slaves of Cherokee citizens at the beginning of the war of the rebellion, and that during the war they left the Cherokee Nation; that Joe Ross, Peter Meigs and Sam Webber Sr., returned to the Nation in the summer or fall of 1866 and located claims upon the public domain of the Cherokee Nation; that they then returned to Kansas for their families and removed with them to the Cherokee Nation in the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck (wife of Samuel Beck) are daughters of Peter and Elizabeth Meigs, were born in the Cherokee Nation prior to their parents removal to Kansas, and returned to the Cherokee Nation with them; George Meigs Sr., another child, returned with them at the same time. Millie M., Moses Wesley and Edward N. Webber are the minor children of Harriet Webber and possess no rights to



enrollment except through their mother, their father Ellis Webber, not having returned to the Cherokee Nation on or before February 11, 1867. Hattie Webber is a daughter of Wesley Webber and one Misay Rowe; Misay Rowe was born since 1866 and is the daughter of Jesse Rowe, the rejection of whose claim was approved by the Department May 28, 1904. George Jr., John and Flemings Meigs and Irene Hanks are the children of George Meigs, Sr., and possess no rights to enrollment except through their father, their mother, Lucinda Meigs, born Towers, not being shown to possess any rights as a Cherokee Freedman; George and Flenon Hanks are the minor children of Irene Hanks and possess no rights to enrollment except through their mother. Hattie Carrell, Katie, Nathan and Henry T. Meigs were born since 1866 and are children of Simon and Fannie Meigs; Simon is the son of Peter and Elizabeth Meigs and returned to the Cherokee Nation with his parents. Fannie Meigs is not shown to possess any rights as a Cherokee Freedman. Andrew Alberty returned to the Cherokee Nation on or before February 11, 1867; his wife Lizzie Alberty, is the daughter of Peter and Elizabeth Meigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants Hattie, Charity, Mollie, Ben, Dellie and Ned Alberty are their minor children born since 1866. Samuel Beak returned to the Cherokee Nation and established a residence therein prior to February 11, 1867, and has since continuously resided therein.

4

The minor applicant, Luquittie Beck is the child of Samuel Beck and has resided with her father since birth.

Chlera Grayson returned to the Cherokee Nation with the Webbers, subsequent to February 11, 1867; her minor grand child, Gertrude Grayson, is the daughter of Armstead Foster, who is identified on the 1880 authenticated Cherokee roll.

Edward Derrick returned to the Cherokee Nation the last of February or first of March, 1867; John Wright is his son born since 1866 and takes the status of his father.

Aaron Webber returned to the Cherokee Nation in the summer of 1866. Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and the applicants, Gertrude Grayson and Lizzie, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty have resided therein continuously since birth. None of the other applicants, nor any of their ancestors, through whom they claim, can be identified on the 1880 authenticated Cherokee roll.

There is also enclosed briefs in behalf of Edward Derrick and Mary Beck which have received due consideration.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

C.F.Larrabee

Acting Commissioner.

C O P Y .

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

I. F. D. 7538-1905.  
8884- "  
8900- "

June 25, 1906.

L. R. S.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On April 17, 1905, the Commission to the Five Civilized Tribes transmitted for departmental consideration the record in the matter of the consolidated applications of Joe Ross, Chlera Grayson et al., Aaron Webber, Elizabeth Meigs, George Meigs, Sr., et al., John Meigs, Flemings Meigs, Irene Hanks et al., Hattie Carell et al., Andrew Alberty et al., Harriet Webber et al., Moses Webber, Wesley Webber, Edward N. Webber, Samuel Beck et al., Edward Derrick, and John Wright, for enrollment as Cherokee freedmen, together with its decision dated April 17, 1905. There was also transmitted a general brief and argument for these applicants, prepared by their attorneys, also an argument on behalf of Edward Derrick, prepared by his attorney.

On September 7, 1905, the attorneys for the applicants filed motions for review in the matter of the applications of Joe Ross et al., Hattie Carell et al., Elizabeth Meigs, Elizabeth Meigs et al., George Meigs, Sr., et al., Edward N. Webber, Harriett Webber, Moses Webber, and Wesley Webber et al.

No proper reason appears for granting said motions for review and they are hereby denied.

Reporting June 19, 1905, the Indian Office recommends that the decision of the Commission to the Five Civilized Tribes in this consolidated case be approved. A copy of its letter is inclosed.

A careful consideration of the record, together with the arguments submitted, leads the Department to the opinion that the Commission's decision is correct. The applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie Alberty, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck, and Luquittie Beck are hereby approved, and you will enroll them as Cherokee freedmen. The applications for the enrollment of Chlorea Grayson, Elizabeth Meigs, George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Irene Hanks, George Hanks, Flemon Hanks, Hattie Carell, Katie Meigs, Nathan Meigs, Henry T. Meigs, Harriett Webber, Millie M. Webber, Hattie Webber, Moses Webber, Wesley Webber, Edward N. Webber, Mary Beck, Edward Derriek, and John Wright as Cherokee freedmen are hereby denied.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inclosure.

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlora Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-7  
MMP

Commissioner.

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Louis T. Brown,  
Attorney for Joe Ross, et al.,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. P-7  
MMP



Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Blue & Bulger,

Attorneys for Joe Ross, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al. and rejecting the applications for the enrollment of Chlora Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by you September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl.P-6  
MMP

Commissioner.

Cherokee freed-  
man D. 396

Muskogee, Indian Territory, July 6, 1906.

John Meigs,  
Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by your attorneys September 7, 1905, for review of your case was denied by the Department on said date.

Respectfully,

Commissioner.

MMP

D.C. 55848-1906.

( COPY )

STARR & PATTEN,  
ATTORNEYS AT LAW,  
VINITA, I. T.

December 22nd 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes

Muskogee I T

Dear Sir:

Referring to the Cherokee Freedmen Enrollment cases of Luella Snaden et al and Chlora Grayson et al we beg to advise you that we have repeatedly reminded these applicants that they ought to file all of the affidavits they can secure in support of their motion for rehearing and in as much as they have given the matter no further attention the case might as well be forwarded for Departmental action as soon as your office is ready for it to go forward as we have nothing further to offer in support of this motion for rehearing.

Yours truly,

(Signed) Starr & Patten,  
J.C.S.

D.S. 10010-1001.

( COPY )

STARR & TUTTLE,

ATTORNEYS AT LAW,

WENONA, I. T.

December 11th 1904.

The Honorable,

The Commissioner to the Five Civilized Tribes

Washington D. C.

Dear Sir:

Referring to the Cherokee Freedmen Enrollment cases of  
Luelle Sander et al and Chlera Grayson et al we beg to advise you  
that we have repeatedly reminded these applicants that they ought  
to file all of the affidavits they can secure in support of their  
motion for rehearing and in as much as they have given the matter  
no further attention the case might as well be forwarded for Depart-  
mental action as soon as your office is ready for it to go forward  
as we have nothing further to offer in support of this motion for  
rehearing.

Yours truly,

(Signed) Starr & Tuttle,  
J. A. T.

Wadagee, Indian Territory, December 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed August 20, 1906, by Starr & Patton, attorneys for applicants, Vinita, Indian Territory, for a rehearing of the Cherokee Freedmen consolidated case of Joe Bond et. al, No. B. 260 et al., insofar as it rejects the applicants Chloa Grayson, et al. With their letter of October 10, 1906, said attorneys forwarded affidavits by Dunk Vann and Stephen Little, which they requested be filed in support of their motion, and they also requested that they be allowed thirty days within which to file additional affidavits in support of their motion, since that time they have filed no new affidavits. These attorneys represent practically all of the Cherokee freedmen cases that are now pending, and they have filed a number of motions to review and reopen pending cases. They have also filed from time to time, affidavits and additional motions in support of their motions filed within the time limited by the Act of April 28, 1906. On December 21, 1906, said attorneys verbally advised the office that they had filed all of the papers they desire in connection with their motions.

Secretary-2

June 28, 1906 (I. T. D. 7838-8384-8900-1908), the Department affirmed the decision of the Commission to the Five Civilized Tribes favorable to a part of the applicants embraced in the Cherokee freedmen consolidated case of Joe Ross et al., and adverse to a part of the applicants therein. The motion referred to applies to applicants embraced in said case to whom the decision was adverse.

An examination of the original record in this case shows that the motion for a rehearing is without merit. The applicants in the case were represented in the hearing of the case by able attorneys, and a great mass of testimony was introduced in their behalf and on behalf of the Attorney for the Cherokee Nation. The motion is based upon the ground of newly discovered evidence, but there is no affidavit by any of the applicants showing that the evidence they now seek to introduce is newly discovered, or that with due diligence they could not have secured it when the case was heard before the commission. Both of the parties to the affidavits filed in support of the motion reside in the Cherokee Nation, and when the Commission was engaged in hearing Cherokee freedmen cases, they testified in a number of cases.

It is respectfully recommended that the motion for a rehearing be denied.



Secretary-3

There is enclosed a motion filed August 24, 1906, by Sevely & Givens, Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in said case. The protest of the Attorney for the Cherokee Nation, filed September 26, 1906, against this motion is also enclosed. The applicant, Mary Beck, was born prior to the breaking out of the war of the rebellion, and in accordance with the provisions of the Act of Congress approved April 26, 1906 ( 34 Stat., 137), she can not claim a constructive residence in the Cherokee Nation on account of the return to the Cherokee Nation of her father, Peter Weigs. The record in this case, as well as the records in various other Cherokee freedmen cases, shows that the family of Peter Weigs, and also the families of the persons with whom Peter Weigs returned to the Cherokee Nation after the war of the Rebellion, did not return to the Cherokee Nation until subsequent to February 11, 1867.

It is recommended that this motion for review be denied.

There is also enclosed a motion for review of the Cherokee freedman case of Edward Derrick, one of the applicants in said case. This motion was filed August 24, 1906, by Roy T. Osborne and W. J. Sullivan, attorneys for applicant. This motion

Secretary-4

has no merit, for the reason that it does not point out any erroneous construction of the law in the Department's decision. It is also respectfully recommended that this motion be denied.

Respectfully,

Through the

Commissioner of Indian Affairs.

Encl. B-9

Commissioner.

(MH)

(COPY)

Refer in reply to the following:

Land.  
75-1907  
2937-1907  
53921-1906

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

January 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of the Commissioner to the Five Civilized Tribes, dated December 27, 1906, transmitting motion for a re-hearing in the Cherokee Freedman consolidated case of Joe Ross, et al., in so far as it rejects the applicants, Chlera Grayson, et al.

This motion was filed with the Commissioner on August 20, 1906, by Starr and Patten, attorneys for the applicants, at Vinita, I. T. With their letter of October 10, 1906, the attorneys furnished the Commissioner affidavits by Bunk Vann and Stephen Little, to be filed in support of their motion.

On June 26, 1906 (I. T. E. 7538, 8884, 8900-1905), the Department affirmed the decision of the Commission favorable to a part of the applicants embraced in the Cherokee Freedman case Joe Ross, et al., and adverse to a part of them. The motion herein applies only to the applicants embraced in Departmental decision who were rejected thereby.

In connection herewith the attention of the Department is invited to a report of Commissioner Kirby dated January 7, 1907, which is transmitted on this day in connection with the

Cherokee Freedman case of Chisra Grayson, et al., with which is enclosed copy of letter from Starr and Patton, attorneys for the applicants, dated December 22, 1906, saying that they have repeatedly called the attention of the applicants to the necessity of filing further affidavits in support of their motion for a re-hearing, and that they have given the matter no further attention. For this reason they say they have nothing further to offer in support of the motion.

The record in this case shows that the applicants were represented in the hearing by able attorneys and a great mass of testimony was introduced on their behalf and on behalf of the attorneys for the Cherokee Nation. The motion is based on the ground of newly discovered evidence, but in view of the letter from the attorneys for the applicants saying that no further affidavits will be filed in support of the motion, and of the further fact that it is not shown that with due diligence the evidence could not have been secured when the case was heard before the Commission, it is recommended that the motion for re-hearing be denied.

There is also enclosed a motion filed with the Commissioner to the Five Civilized Tribes, August 24, 1906, by Zevely and Givens, of Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in the case of Joe Ross, et al. The protest of the attorney for the Cherokee Nation, filed with the Commissioner September 26, 1906, against this

motion, is also forwarded herewith.

The record herein shows that Mary Beek was born prior to the breaking out of the War of the Rebellion, and in accordance with the provisions of the Act of April 26, 1906 (34 Stat. L., 137), she cannot claim a constructive residence in the Cherokee Nation on account of the return thereto of her father, Peter Meigs.

The record further shows that the family of Peter Meigs, and also the families of persons with whom he returned to the Cherokee Nation after the war, did not return until subsequent to February 11, 1907. It is recommended that this motion for review be denied also.

Edward Derriek, one of the applicants in the case of Joe Ross, et al., by his attorneys, Ray T. Osborne and W. J. Sullivan, filed a motion for re-hearing with the Commissioner on August 24, 1906, which is enclosed.

As this motion fails to point out any erroneous construction of the law in the Department's decision, it is recommended that it be denied.

The record in the case is herewith enclosed.

Very respectfully,

C. F. Larrabee,  
Acting Commissioner.

AJW-D

JF Jr

(COPY)

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

I.F.D. 1365-1907  
D.C. 6292-1907.

January 29, 1907.

LWS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On January 15, 1907 (Land 2977), the Indian Office transmitted your report dated December 27, 1906, submitting for departmental consideration a motion for rehearing filed in behalf of Chlora Grayson et al., a motion for review filed in behalf of Mary Beck, and a motion for review filed in behalf of Edward Derrick, the last two motions involving persons who are parties to the first motion.

The attorney for the Cherokee Nation files protests which apparently covers nearly all of the parties named in the motions. Argument is also submitted by the attorneys for Edward Derrick.

You recommend, for reasons set forth in your report, that all the motions be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department has considered these motions, together with the few supporting affidavits filed, the argument of attorneys on behalf of the applicants and the nation, and the original



record. In regard to the motion for rehearing, the affidavits submitted show no evidence not heretofore considered by the Department. The record is voluminous, and it would appear that in the five years elapsing since the filing of this application ample time has been given to permit the applicants, by the exercise of due diligence, to have secured the necessary evidence to establish their rights as Cherokee freedmen.

The motions for review point out no specific error; one alleges error in your decision, when in fact the decision in the case was made by the Commission to the Five Civilized Tribes.

The three motions transmitted are without merit. They are hereby denied.

The papers are returned for the files of the Indian Office.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Thos Ryan  
First Assistant Secretary.

1 inc. and 28 to Ind. Of.

Cherokee F.  
R 821

Muskogee, Indian Territory, February 15, 1907.

John Neigs,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that a motion for rehearing of the Cherokee freedmen enrollment case of yourself, et al., filed by your attorneys, Starr & Patten, Vinita, Indian Territory, on August 20, 1906, was denied by the Secretary of the Interior, January 29, 1907.

Respectfully,

JMH

Commissioner.

Charles F.  
Hall.

Muskogee, Indian Territory, February 15, 1907.

Starr & Patton,

Attorneys for Chlora Grayson, et al.,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that a motion, filed by you August 20, 1906, for a rehearing of the Cherokee freedmen enrollment case of Chlora Grayson, et al., was denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-1  
JMH

Commissioner.

Cherokee F.  
R All et al.

Muskogee, Indian Territory, February 15, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of Chlera Grayson, et al., filed August 20, 1906, and motions for review of the Cherokee freedmen enrollment cases of Mary Beck and Edward Derrick, filed August 24, 1906, were denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-12  
JMH

Commissioner.

# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT

SS

In the matter of the application of John Meigs  
for enrollment as a Cherokee Freedman.

No. F. D. 396

Henry Pack, of lawful age, being duly sworn on  
oath states that on the 18<sup>th</sup> day of September, A. D., 1901, he registered  
to John Meigs whose postoffice is Wimer  
Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto  
attaches the receipt of the Postmaster at St. Gibson Indian Territory;  
and that on the 24<sup>th</sup> day of Sept, 1901, he received the return  
card which is hereto attached, signed by the said John Meigs, showing  
that he had received said notice.

Subscribed and sworn to before me on this the 24<sup>th</sup> day of Sept, A. D. 1901.

J. C. Starr

Notary Public.

34356  
D. \_\_\_\_\_  
**INDIAN TERRITORY,  
CHEROKEE NATION.**

I hereby certify that I served the with-  
in notice on.....

by delivering a true copy thereof on the  
..... day of ..... A. D. 190.....

Given under my hand this .....  
day of ..... A. D. 190.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the  
..... day of ..... , 190.....

Attorney for applicant.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY, } S. S.  
NORTHERN DISTRICT.

I do solemnly swear that I delivered a  
true copy of the within notice to .....

on the ..... day of ..... A. D. 190.....

Subscribed and sworn to before me  
this .....

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
SEP 24 1901

Active Commission



## NOTICE!

IN THE MATTER OF the application of John Meigs  
for enrollment as Cherokee citizens:

Case No. D 396

To John Meigs Winer I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct 15th 1901 at 3 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 21 1901

L. C. T.  
W. W. Hastings  
Attorneys for the Cherokee Nation.

VB. J. S. 896.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

APR 22, 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

Post Office

District

1. Name

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by

Stenographer

Mr. I. John Mings  
 Mr. I. on Wallace Rec Page 127. No 2667  
 best.  
 + App to George Mings Jr.  
 + " " Elizabeth

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. John Leigs,

Witness, I. O.

Cherokee P-5-395.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 822

Trans. from Cher. Fr. D. 394

Cher. Fr. R. 822

Cherokee Freedman, D-374 *George Meigs*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 23d 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner G.R. Breckinridge, testified as follows:

- Q What is your name? A Elizabeth Meigs.  
Q How old are you? A I don't know my age.  
Q About how old are you? A I was four years old when we came here with the old settlers.  
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.  
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.  
Q What is your post office? A Centralia.  
Q In what district do you live? A Cooweescoowee.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.  
Q Who do you want to have enrolled besides yourself? A My children.  
Q Have you any children under twenty-one years old? A No sir.  
Q They will have to apply for themselves then? A (No response)  
Q Have you a husband? A No sir he is dead.  
Q Then you only apply for yourself? A Yes sir.  
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.  
Q How long have you been called Meigs? A Ever since I was nothing but a girl.  
Q Were you married to a man named Meigs? A Peter Meigs.  
Q Is he dead? A Yes sir, five years ago in September.  
Q Was he a Cherokee Freedman? A Yes sir.  
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.  
Q To whom did you belong? A Reuben Daniel.  
The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.  
Q Are any of your family on that roll that you know of. A Yes, sir, Alice Sanders is on it, she is a daughter of mine, Alice is.  
The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:  
Page 185, No. 2858, Alice Sanders, Cooweescoowee district.  
The 1886 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.  
Q Did you draw your Cherokee strip money? A Yes sir.  
The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:  
Page 100 No. 2512, Eliza Meigs, Cooweescoowee district.  
Q Did you ever go by the name of Daniel? A Yes sir then was my owners.  
The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:  
Page 182, No. 40, Elizabeth Daniel.  
Note: Wife of Peter Meigs.  
Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:  
Page 131, No. 3748, Elizabeth Meigs, Cooweescoowee district.  
Q Where were you during the civil war? did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.  
Q When did you come back? A In the winter of '69.



- What time in the winter? A Well it was in the winter.
- Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
- Q When did he bring you down? A In the winter after he went from here on Big Creek.
- Q He came ahead of you then? A Yes sir.
- Q What time did he leave Kansas? A I cannot tell you when he first came.
- Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
- Q Did he leave Kansas in the winter? A Yes sir.
- Q Was he down here when Christmas came? A Yes sir.
- Q Do you know how long it was before Christmas before he started to come here first? A No sir I don't.
- Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
- Q How long after Christmas before you and he started down here together? A Directly after.
- Q He spent Christmas that year in the Cherokee Nation by himself?
- A Yes sir my husband did.
- Q What members of your family came down with you and your husband?
- A These children.
- Q Did you bring your child Alice Sanders with you? A Yes sir.
- Q All the children? A Yes sir.
- Q Can you explain why you are not on the roll of 1880? A No sir.
- Q Do you know why you are not on that roll? A No sir I don't know nothing about the rolls.
- By W. W. Hastings, Cherokee Representative:
- Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
- Q Where were you living in Kansas then? A Fort Scott.
- Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
- Q Was it as much as a couple or three weeks? A Yes sir I guess so.
- Q And then you started down here? A Yes sir.
- Q Was it in the spring of the year when you reached here? A No sir in the winter.
- Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there weren't no buds nor nothing on the trees, it was winter I tell you.
- Q You all came in wagons did you? A Yes sir.
- Q Who came with your husband down here when he first came? A Old man Mike Sanders.
- Q Who else? A Reuben Sanders.
- Q Who else? A Daniel Sanders.
- Q Anyone else that you remember? A There was Little Sam Webber and old man Sam Webber.
- Q Any other Webber's? A Aaron Webber.
- Q Did anyone else come down? A I don't remember anyone else now.
- Q Were you there when they started town? A We all come together I am telling you.
- Q But a man when your husband come on in advance of you. Who came with him then? Did these parties that you have named come with your husband when he first come down? A Yes sir.
- Q You were at Fort Scott then? A Yes sir.
- Q And they all started together? A Yes sir.
- Q Those that you have named are all the you can think of at the present time? A Yes sir.
- Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.

- Q And after Christmas you all came down did you? A Yes sir.
- Q Did you come in wagons then? A Yes sir.
- Q Did you come by a little place called Chatopa? A Yes sir.
- Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
- Q And you are living there yet? A Yes sir, that old house was built in '66.
- Q What house? A That one we is living in.
- Q And you are living at the same old place? A Yes sir, in the same old house.
- Q On what creek is that? A Big Creek.
- Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
- Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
- Q Did you see anyone from Chatopa along the road through the Nation to Big Creek when you came there? A No sir.
- Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
- Q You all came back together? A Yes sir.
- Q Now Auntie, did any additional people - any other families come down with you? A I don't know who all come down, I am just telling you what I know.
- Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
- Q Did Aaron Webber come? A Yes sir.
- Q And your family? A Yes sir.
- Q Are there any that I missed? A That is all that I gave you.
- Q Is that all that come? A Aaron Wright come with us.
- Q Who else? A (No response)
- Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
- Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
- Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
- Q Who? A Lunie Riley was there on Verdigris, but now where he was living.
- Q How far from where you settled? A I don't know how far.
- Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
- Q Were they the closest residents to you at that time? A Yes sir.
- Q Were there any Delaware Indians there when you came there? A No sir I never saw none.
- Q Any Orages? A No sir, never saw none.
- Q You didn't see anybody on Big Creek, neither white or back, except those that came with you? A That is all.
- Q And you have been there ever since? A Yes sir, ever since we moved there.
- Q You say your husband Peter Weiss built a house there? A There is a log house there and he bought the house and we moved to it.
- Q Who built the house if you know? A Henry Harold.
- Q Was he a colored man? A Yes sir.
- Q Is he living? A I don't know if he is or not.
- Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
- Q They didn't admit him then did they? A I don't know sir.
- Q You know he was disputed? A I don't know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States Court or Commission? A I don't understand what you say.

Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.

Q I mean in court? A That is what I am telling you.

Q You know what a court is don't you? A Yes sir.

Q What court do you know? A Kerns Clifton court.

Q Any other court that you know of? A I know of the Wallace court.

Q Any others? A No sir.

Q Did he ever have anything done about your case by the Cherokee Council? A I don't know what was done, my man went there every year or two but I don't know what was done there.

Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.

Q Have you any witnesses with you that you want to introduce?

A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant.

(Examined by the Commission)

Q What is your name? A Ruben Sanders.

Q How old are you? A I suppose I am about 50.

Q What is your postoffice? A Centralia.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.

Q Who did you belong to? A James Sanders.

Q Were you taken to Kansas during the war? A Yes sir.

Q You have a wife named Alice have you? A Yes sir.

Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 175, No. 2657, Reuben Sanders, Cooweescoowee district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.

Q What court? A The Chambers Court.

Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.

Q In what year was that? A I can't tell what year it was.

Q Your citizenship had been disputed had it? A Yes sir.

Q When was your right to citizenship first disputed? A It was during the time that Thompson Oochelita was chief.

Q Was that before the 1880 roll was made? A Yes sir.

Q Did the Court decide in your favor? A Yes sir.

Q Was there any dispute made then about your being put on the 1880 roll? A No sir.

Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.

Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.

Q Where did they take your name? A I was in Goose-neck Bend, at the time.

Q Do you know the applicant Elizabeth Meigs? A Yes sir.

Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was?

Q Yes, sir.

Q Did he go before the court at the same time? A No sir, I think not.

Q His wife's citizenship was also disputed? A I judge so.

Q Did she go down before that court? A Not to my knowledge.

Q Did he go down to Tallahassee to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.

Q Was Bob Daniels Chief Justice of that court? A Yes sir.

Q Just a few years after the war? A Yes sir.

Q In '71 wasn't it? A Yes sir.

Q Was any action taken in that court? A I don't know.

Q You were there yourself? A No sir.

Q You were about 15 or 16 years old when you came back? A Yes sir I guess so, I don't exactly know how old I was.

Q You were not married then? A No sir.

Q How long after you got back before you married? A Not very long after I got back.

Q Did you marry on your way down here? A No sir.

Q How long had you been here before you married? A I have been married twice.

Q How long had you been here before you married the first time? A Not very long.

Q As much as a year? A May be so.

Q Is that your best judgment? A My best judgment is perhaps that it was that long.

Q How many years married to your present wife? A Upwards of 30 years, or so.

Q How long did you live with your first wife? A Not very long, and died.

Q A year? A Perhaps it was, maybe a little longer.

Q Then you married your present wife? A Yes sir.

Q When you came to the Shorthose Nation how did you come the first time? A In wagon.

Q The first time? A Yes sir.

Q Who came with you? A Several were on horse-back, it is beyond my knowledge how many there were.

Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.

Q Did you come in August? A Yes sir.

Q Who came with you then? A Some of this family, Peter Smith and got his place, the heads of these families.

Q Who else came with you? A My brother Sam and the Thompsons.

Q Which ones? A Several.

Q Which ones? A None and Dennis, and the Webbers.

Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thumman, and Abe Hair, and I don't know who else, I don't know who all came.

Q The same when you came in October? A I don't know who all came then, as some of that same crowd and some more came in October.

Q Do you remember any additional persons? A To the best of my knowledge the Smith family.

Q That was his first name? A Old man Caesar Smith.

Q You came in both of the detachments yourself? A Yes sir.

Q Which one did you come in? A I came in August.

Q You didn't come in October then? A Yes sir, I came then in first on it, we brought some of our farming utensils when we came in August and left the on the creek.

Q On Big Creek? A Yes sir.

Q Where Mr. Hays lives? A Yes sir.

Q And you returned in October, how long did you stay in October?



A We didn't all return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.

Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.

Q What time in the winter? A Long in January.

Q You mean in '67. A No in the winter of '66.

Q Is you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of '66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.

Q What was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possibly can remember of who came with you in the January of February following?

A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.

Q I dont mean only of that family, there were other families were there not? A Old man Billie Forman.

Q Who else? A He had several children.

Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.

Q Were any of the Webbers along? A Yes sir.

Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I had forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.

Q Did his son Sam come? A Yes sir.

By W. W. Hastings:

Q Dont you remember anyone else? A Rachel Webber.

Q Do you think of anyone else? A No sir.

Q You know that is was a mooted question before the Kerns Clifton Commission as to when came at this time and us to when you came? A I haven't been interested as to anyone except for myself.

Q You know that there is a question about who came dont you? A Yes sir I guess I do.

Q You say you came to Big Creek? A Yes sir.

Q Did you come by the way of Chatopa? A Yes sir I guess that we did, I dont know that they called it Chatopa then, there was a house or so there.

Q Did you cross the river there? A What river.

Q Needah? A No sir.

Q You didn't cross at the Gilstead ferry? A No sir we crossed 20 or 30 miles from there.

Q You came through what is Chatopa and come on west through the prairie? A We may have.

Q You were in wagons? A Yes sir.

Q Were there any persons living on any of that country from Chatopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of anyone living there before that.

Q Were there any houses there except those that your crowd built?

A I dont know of any houses, but there were foundations for them or Big Creek.

Q Then the houses were not built before you moved there with your

families? A Yes sir some were, there were logs on some up 8 or 10 to 12 high.

Q Then there were none really completed until you moved there with your families? A No sir.

Q Did you have a crop there the first year that you moved there? A Yes sir, as near as we could with one horse plow and hoe.

Q Do you know Jim Martin? A Yes sir.

Q How far does he live from you now? A 1, 2 or 3 miles.

Q Was he living there when you people moved there? A No sir.

Q He had a brother named William Martin? A Yes sir.

Q Was he living out there then? A No sir.

Q There was an old man by the name of Carter living out there then, wasn't there? A No sir. There was an old man named Carter living 20 miles perhaps from there quite a while after we came there.

Q Was his name Dick Carter? A I think it was.

Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He came some time after.

Q Do you know if that ferry that you crossed the Neosho river was called Oilstrap ferry? A No sir we never crossed on Oilstrap ferry.

Q There was no fence made there when you passed through - no citizens had fences up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you came to the Cherokee Nation after the Civil war closed was in August of '68?

A Yes sir.

Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.

Q You didn't bring your families with you then? A Only part of them and some things that we had.

A Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of them men & boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you?

A No sir.

Q Did Peter Meigs bring any family with? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Kansas? A I think with my father.

Q You came yourself in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q Then you returned to the Cherokee Nation again in October?

A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir not all of them came in October.

Q When was Peter Meigs in October? A He came with us we came with.

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October?

A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That made the second time that Peter Meigs had been here?

A Yes sir.

Q Where was Peter Meigs in Christmas of '68, do you know? A No sir I don't exactly know where he was in Christmas of '68.

Q When Peter Meigs got back to the Cherokee Nation with his family



- did he settle in the Cherokee Nation near your family? A Yes sir.
- Q How far apart? A Two or three hundred yards apart.
- Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.
- Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.
- Q You said here that? A Yes sir.
- Q When did you come? A In the winter.
- Q Was it in February? A Must have been in December.
- Q What about that February trip you spoke of? A It was in the winter some time. Snow was on the ground.
- Q Did you either camp at that trip? A Yes sir.
- Q Your mother? A Yes sir.
- Q Peter Neigs? A Yes sir.
- Q His wife? A Yes sir.
- Q That was your third trip? A Yes sir.
- Q Was that your last trip? A Yes sir.
- Q When did your wife Alice come? A Come then.
- Q On that third trip? A Yes sir.
- Q You say Peter Neigs made all three trips with you? A Yes sir.
- Q Every time you came he came? A Yes sir.
- Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
- Q Did he go there by himself? A No sir.
- Q Do you remember distinctly that you came here in August the first time? A Yes sir.
- Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.
- Q Do you remember distinctly that he came with his family when you made your third and last trip? A Yes sir.
- Q With his family? A Yes sir.

By Court Bookkeeper. The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil War. She is identified on the Kame-Shifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1895. The testimony indicates that her husband first returned to the Cherokee Nation after the war coming from Kansas in August or 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is not deceased, but he and the applicant were married at that time and had several children. The testimony further indicates that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Cherokee court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a special card and the final

decision of the Commission will be made known to her at her postoffice address.

Chas. von Walze, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 26th of May, 1901, at  
Chelms, I.T.

Signed, T. B. Needles,  
Commissioner.

Supplemental:

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Winita, I.T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman.

REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.

Q How old are you? A I am fully about 50 past.

Q You gave testimony just now in the case of Elizabeth Meigs?

A Yes sir.

Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867, when we made the last move, about the first of the month; it was the following August in 1864, we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think. I wanted to say January.

Q How did you find out now it was January instead of February?

A It was just after Christmas that we was on the road coming down.

Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas - a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following - a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, F. V. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.

Q Where did you say that killing took place? A In Kansas.

Q Fort Scott? A Yes sir.

Q And the man that was accused of the killing was named what?

A Named Mackey.

Q You remember his first name? A No.

Q You remember the man who was killed, you got his first name?

A No sir I do not.

Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. But I don't know nothing about that part of it.

Q You know what you say it is? A No sir.  
Q You called your attention to this error? A I thought so myself.  
I called my own attention to it. I was studying over it. I did.  
Q You know now it was only a few days after Christmas? A Yes sir.  
A few days after Christmas.

Com'r Breckinridge: This statement will be filed as  
supplemental to the Elizabeth Neigs case, to be considered in  
connection with the former statement of the witness, and the  
other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he correctly recorded  
the testimony and proceedings in this case and that the foregoing is  
a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,

Subscribed and sworn to before me this May 25, 1901.

Signed, C. R. Breckinridge,

Commissioner.

Bruce C. Jones, being duly sworn, says that as stenographer to  
the Commission to the Five Civilized Tribes he copied the foregoing,  
and the same is a true and correct copy from the original.

*Bruce C. Jones*

Sworn to and subscribed before me this the 20th of August, 1901.

*[Signature]*

Commissioner



File with Cherokee Freedman D-

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., May 22d. 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A Elizabeth Meigs.  
Q How old are you? A I don't know my age.  
Q About how old are you? A I was four years old when we came here with the old settlers.  
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.  
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.  
Q What is your post office? A Centralia.  
Q In what district do you live? A Cowwescowwee.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.  
Q Who do you want to have enrolled besides yourself? A My children.  
Q Have you any children under twenty-one years old? A No sir.  
Q They will have to apply for themselves then. A (No response).  
Q Have you a husband? A No sir he is dead.  
Q Then you only apply for yourself? A Yes sir.  
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.  
Q How long have you been called Meigs? A Ever since I was nothing but a girl.  
Q Were you married to a man named Meigs? A Peter Meigs.  
Q Is he dead? A Yes sir, five years ago in September.  
Q Was he a Cherokee Freedman? A Yes sir.  
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.  
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

- Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:

Page 175, No. 2582, Alice Sanders, Cowwescowwee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q Did you draw your Cherokee strip money? A Yes sir.

The Burns-Clinton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 100 No. 2512, Eliza Meigs, Cowwescowwee district.

- Q Did you ever go by the name of Daniel? A Yes sir then was my name.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:  
Page 122, No. 40, Elizabeth Daniel.

NOTE: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:  
Page 131, No. 2748, Elizabeth Meigs, Cowles/scowen district.

- Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
- Q When did you come back? A In the winter of '86.
- Q What time in the winter? A Well it was in the winter.
- Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
- Q When did he bring you down? A In the winter after he went from here on Big Creek.
- Q He came ahead of you then? A Yes sir.
- Q What time did he leave Kansas? A I cannot tell you when he first came.
- Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '86.
- Q Did he leave Kansas in the winter? A Yes sir.
- Q Was he down here when Christmas came? A Yes sir.
- Q Do you know how long it was before Christmas before he started to come here first? A No sir I don't.
- Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
- Q How long after Christmas before you and he started down here together? A Directly after.
- Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.
- Q What members of your family came down with you and your husband? A These children.
- Q Did you bring your child Mike Sanders with you? A Yes sir.
- Q All the children? A Yes sir.
- Q Can you explain why you are not on the roll of 1880? A No sir.
- Q Do you know why you are not on that roll? A No sir I don't know nothing about the roll.

By W. W. Hastings, Cherokee representative:

- Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
- Q Where were you living in Kansas then? A Fort Scott.
- Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
- Q Was it as much as a couple or three weeks? A Yes sir I guess so.
- Q And then you started down here? A Yes sir.
- Q Was it in the spring of the year when you reached here? A No sir in the winter.
- Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there weren't no buds nor nothing on the trees, it was winter I tellt you.
- Q You all came in wagons did you? A Yes sir.
- Q Who came with your husband down here when he first came? A Old man Mike Sanders.
- Q The eldest? A Reuben Sanders.
- Q The eldest? A Daniel Sanders.

Q And who else that you remember? A There was little Sam Webber and old man Sam Webber.

Q Any other Webbers? A There was Webber.

Q Did any one else come down? A I don't remember any one else now.

Q Were you there when they started down? A We all come together.

Q I am telling you.

Q But I don't know your husband come in advance of you. Who come with him? A I don't know those parties that you have named none with your husband when he first come down? A Yes sir.

Q You were at Fort Gibson then? A Yes sir.

Q And they all started together? A Yes sir.

Q There that you have named are all the you can think of at the present time? A Yes sir.

Q Did they come on wagons or on horse-back that time? A They come in wagons when they first come.

Q And after Christmas you all came down did you? A Yes sir.

Q Did you come in wagons then? A Yes sir.

Q Did you come by a little place called Chetopa? A Yes sir.

Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.

Q And you are living there yet? A Yes sir, that old house was built in '36.

Q What house? A That one we is living in.

Q And you are living at the same old place? A Yes sir, in the same old house.

Q On what creek is that? A Big Creek.

Q Was any one living on Big Creek when you came there besides your own crowd? A Yes sir, there on Verdigris there was some living.

Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.

Q Did you get any one from Shiloh along the road through the Nation to Big Creek when you came there? A No sir.

Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.

Q You all come back together? A Yes sir.

Q Now Auntie, did any other local people or other families come down with you? A I don't know who all come down, I am just a telling you what I know.

Q Where was Daniel Sanders and Robert Sanders and there was Mike Sanders, and Sam Webber, and little Sam, these all came with you? A Yes sir.

Q Did Aaron Webber come? A Yes sir.

Q And your family? A Yes sir.

Q Are there any that I missed? A I don't know that I gave you.

Q Is there any that come? A I don't know who all come with us.

Q Who else? A No more.

Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.

Q You came to the place that you are living at now did you? A Yes sir and has lived there ever since.

Q Have you any other neighbors there that were old residents? A No sir, there was some lived on Verdigris when we came there.

Q Who? A Lizzie Allen was there on Verdigris, but not where we was living.

Q How far from where you settled? A I don't know how far.

Q Was it as much as 3 or 4 miles? A As much as ten miles if you was at it right.

Q Were they the closest residents to you at that time? A Yes sir.

Q Were there any Delaware Indians there when you come there? A No sir, never saw none.



Q Any Osages? A No sir, never saw none.  
 Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.  
 Q And you have been there ever since? A Yes sir, ever since we moved there.  
 Q You say your husband Peter Helge built a house there? A There a log house there and he bought the house and we moved to it.  
 Q Who built the house if you know? A Henry Harold.  
 Q Was he a colored man? A Yes sir.  
 Q Is he living? A I don't know if he is or not.  
 Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.  
 Q They didn't admit him then did they? A I don't know sir.  
 Q You know he was disputed? A I don't know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court or Commission? A I don't understand what you say.  
 Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir, my man enrolled us before he died.  
 Q I mean in court? A That is what I am a telling you.  
 Q You know what a court is don't you? A Yes sir.  
 Q What court do you know? A Karna Olifton court.  
 Q Any other court that you know of? A I know of the Wallace court.  
 Q Any other? A No sir.  
 Q Did he ever have anything done about his case by the Cherokee Council? A I don't know what was done, my man went there every year or two but I don't know what was done there.  
 Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.  
 Q Have you any witnesses with you that you want to introduce?  
 A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant.  
 (Examined by the Commission).

Q What is your name? A Ruben Sanders.  
 Q How old are you? A I suppose I am about 50.  
 Q What is your post office? A Centralia.  
 Q How long have you lived in the Cherokee Nation? A All my life.  
 Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.  
 Q Who did you belong to? A James Sanders.  
 Q Were you taken to Kansas during the war? A Yes sir.  
 Q You have a wife named Alice have you? A Yes sir.  
 Q How long have you and she been married? A About 20 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 178, No. 2607, Ruben Sanders, Coowasee District.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.  
 Q What court? A The Chambers court.  
 Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.  
 Q In what year was that? A I cannot tell what year it was  
 Q Your citizenship had been disputed had it? A Yes sir.  
 Q When was your right to citizenship first disputed? A It was  
 during the time that Thompson Cookhita was chief.  
 Q Was that before the 1880 roll was made? A Yes sir.  
 Q Did the court decide in your favor? A Yes sir.  
 Q Was there any dispute made then about your being put on the 1880  
 roll? A No sir.  
 Q Were you required to show a copy of the decision of the court  
 in your favor when you went to enroll in 1880? A No sir.  
 Q Did they ask you any questions when you went to be enrolled in 1  
 1880? A No sir.  
 Q Where did they take your name? A I was in Goodenack Bend, at the  
 time.  
 Q Do you know the applicant Elizabeth Meigs? A Yes sir.  
 Q Your wife is her daughter? A Yes sir.

By W. E. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was? A  
 Yes sir.  
 Q Did he go before the court at the same time? A No sir, I think  
 not.  
 Q His wife's citizenship was also disputed? A I judge so.  
 Q Did she go down before that court? A Not to my knowledge.  
 Q Did he go down to Tahlequah to the court before that time? A Yes  
 sir I think he went down to the Bob Daniels court, think he went  
 with my father.  
 Q Was Bob Daniels Chief Justice of that court? A Yes sir.  
 Q Just a few years after the war? A Yes sir.  
 Q In '71 wasn't it? A Yes sir.  
 Q Was any action taken in that court? A I don't know.  
 Q You were not there yourself? A No sir.  
 Q You were about 13 or 14 years old when you come back? A Yes sir  
 I guess so, I don't exactly know how old I was.  
 Q You were not married then? A No sir.  
 Q How long long after you got back before you married?  
 A Not very long after I got back.  
 Q Did you marry on your way down here? A No sir.  
 Q How long had you been here before you married? A I had been  
 married at 15.  
 Q How long had you been here before you married the first time? A.  
 A Not very long.  
 Q As much as a year? A May be so.  
 Q Is that your best judgment? A My best judgment is perhaps that  
 it was that long.  
 Q When were you married to your present wife? A Upward of 50  
 years, or so.  
 Q How long did you live with your first wife? A Not very long, she  
 died.  
 Q A year? A Perhaps it was, maybe a little longer.  
 Q When you married your present wife? A Yes sir.  
 Q When you came to the Cherokee Nation how did you come the first  
 time? A In wagons.  
 Q The first time? A Yes sir.  
 Q What came with you? A Several were on horse-back; it is beyond  
 my knowledge how many there were.  
 Q Tell all you can remember? A We made a trip in August and one in  
 October and then we moved here in the winter.  
 Q Did you come in August? A Yes sir.  
 Q Who came with you then? A Some of this family, Peter Meigs and  
 you Mr. Daniel, the heads of those families.

Q Who else came with you? A My brother Dan and the Whitmires.  
 Q Which ones? A Several.  
 Q Which ones? A Mose and Dennis, and the Webbers.  
 Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I don't know who else, I don't know who all come.  
 Q Who come when you come in October? A I don't know who all come then, some of that same crowd and some more come in October.  
 Q Do you remember any additional persons? A To the best of my knowledge the Smith family.  
 Q What was his first name? A Old man Caesar Smith.  
 Q You come in both of the detachments yourself? A No sir.  
 Q Which one did you come in? A I come in August.  
 Q You didn't come in October then? A Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.  
 Q On Big-Creek? A Yes sir.  
 Q Where Mrs. Meigs lives? A Yes sir.  
 Q And you returned in October, how long did you stay in October.  
 Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.  
 Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.  
 Q What time in the winter? A Long in January.  
 Q You mean in '67.  
 Q No in the winter of '66.  
 Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, what would be in '67? A I don't understand you; we came here in the winter of '66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.  
 Q That was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possibly can remember of who came with you in the January or February following?  
 A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Jerry Meigs, that is all that I can remember of that family.  
 Q I don't mean only of that family, there were other families were there not? A Old man Billie Norman.  
 Q Who else? A He had several children.  
 Q The heads of families I mean? A Fannie Sanders; I don't recollect them all; I don't know as I can call the names of all of them.  
 Q Were any of the Webbers along? A Yes sir.  
 Q Old man Sam and young Sam? A Yes sir; I wouldn't pretend to call them all over as I had forgotten them Webbers and so I can't remember for if I had forgotten them I don't think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.  
 Q Did his son Sam come? A Yes sir.



By W. W. Hastings:

- Q Don't you remember any one else? A Rachel Webber.
- Q Think of any one else? A No sir.
- Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I haven't been interested as to anyone except for myself.
- Q You know that there is a question about who came don't you? A Yes sir, I guess I do.
- Q You say you came to Big Creek? A Yes sir.
- Q Did you come by the way of Chatopa? A Yes sir I guess that we did, I don't know that they called it Chatopa then, there was a house or so there.
- Q Did you cross the river there? A What river.
- Q Neosho? A No sir.
- Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
- Q You came through what is Chatopa and came on west through the prairie? A We may have.
- Q You were in Wagons? A Yes sir.
- Q Were there any persons living on any of that country from Chatopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
- Q Were there any houses there except those that your crowd built? A I don't know of any houses, but there were foundations for them on Big Creek.
- Q Then the houses were not built before you moved there with your families? A Yes sir some were, there were logs on some up 8 or 10 logs high.
- Q Then there were none really completed until you moved there with your families? A No sir.
- Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plow and hoe.
- Q Do you know Jim Martin? A Yes sir.
- Q How far does he live from you now? A 4, 5 or 6 miles.
- Q Was he living there when you people moved there? A No sir.
- Q He had a brother named William Martin? A Yes sir.
- Q Was he living out there then? A No sir.
- Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we came there.
- Q Was his name Dick Carter? A I think it was.
- Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river, he came some time after.
- Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gilstrap ferry.
- Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

- Q You stated, I believe, that the first time that you went to the Cherokee Nation after the Civil war closed was in August of 1865?
- A Yes sir.
- Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
- Q You didn't bring your families with you then? A Only part of them and some things that we had.
- Q Part came with their families and part came to prepare for their families? A Yes sir.

- Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.
- Q You didn't bring your family with you at that time did you? A No sir.
- Q Did Peter Meigs bring any of his family then? A No sir.
- Q Did you go back to Kansas after that? A Yes sir.
- Q When did you bring your family? A Our family came in October.
- Q When did Peter Meigs go back to Kansas? A I think with my father.
- Q You came yourself in August? A Yes sir with my father.
- Q You went back to Kansas after that? A Yes sir my father went there and I went with him.
- Q When did Peter Meigs go back? A He went with the crowd.
- Q Did he go with you and your father? A Yes sir.
- Q Then you returned to the Cherokee Nation again in October? A Yes sir.
- Q Did your father come with you? A Yes sir.
- Q Did all the members of your own family come with you? A No sir, not all of them come in October.
- Q Where was Peter Meigs in October? A He come with us at each trip.
- Q Did he go back to Kansas with you? A Yes sir.
- Q And then you came back here to the Cherokee Nation in October? A Yes sir.
- Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.
- Q That made the second time that Peter Meigs had been here? A Yes sir.
- Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I don't exactly know where he was in Christmas of '66.
- Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.
- Q How far apart? A Two or three hundred yards apart.
- Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.
- Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.
- Q You staid here then? A Yes sir.
- Q When did you come? A In the winter.
- Q Was it in February? A Last time been in December.
- Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.
- Q Did your father come at that trip? A Yes sir.
- Q Your mother? A Yes sir.
- Q Peter Meigs? A Yes sir.
- Q His wife? A Yes sir.
- Q That was your third trip? A Yes sir.
- Q Was that your last trip? A Yes sir.
- Q When did your wife Alice come? A Come then.
- Q On that third trip? A Yes sir.
- Q You say Peter made all three trips with you? A Yes sir.
- Q Every time you came he came? A Yes sir.
- Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
- Q Did he go there by himself? A No sir.
- Q Do you remember distinctly that you came here in August the first time? A Yes sir.
- Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.
- Q Do you remember distinctly that he come with his family when you made your third and last trip? A Yes sir.
- Q With his family? A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1886, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make ~~further~~ further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

#####

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at  
Chelsea, I. T.

T. B. Needles,

Commissioner.



SUPPLEMENTAL:

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., May 22, 1901.

In the matter of the application of Elizabeth Heigs for enrollment as a Cherokee Freedman;  
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.  
Q How old are you? A I am only about 50 past.  
Q You gave testimony just now in the case of Elizabeth Heigs?  
A Yes sir.  
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.  
Q How do you find out now it was January instead of February?  
A It was just after Christmas that we was on the road coming down.  
Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.  
Q Where did you say that killing took place? A In Kansas.  
Q Fort Scott? A Yes sir.  
Q And the man that was accused of the killing was named what? A Named Mackey.  
Q You remember his first name? A No.  
Q You remember the man who was killed, you got his first name? A No sir I don't.  
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.  
Q You know what county Ft. Scott is in? A No sir.  
Q Who called your attention to this error? A I thought so myself; I called my own attention to it; I was studying over it, I did.  
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Heigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this May 23, 1901.

C. R. Breckinridge,

Commissioner.

File with Cherokee Freedmen 1-351, Elizabeth Meigs,

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;  
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Ninth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A Robert Meigs.

Q Where do you live? A I live five miles southwest of Tahlequah.

Q What is your postoffice? A Park Hill is my postoffice.

Q How old are you? A I am 66 my next birthday.

Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '84 to '66.

Q Did your people own any slaves before the war? A Yes sir.

Q Do you know whether they owned a woman by the name of Elizabeth? A No sir.

Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.

Q Well, did you know Peter Meigs? A Yes sir.

Q Do you know what his wife's name was when the war broke out? A Betsy they called her.

Q Well, was she living, Betsy, at the time the war broke out? A Yes, sir.

Q Well, did you ever know her by any other name than Betsy? A Bettie.

Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.

Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you know her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.

Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.

Q Did you ever see Peter Meigs and his family after the war? A Yes sir, saw Uncle Peter.

Q What year was that? A Sometime after '71.

Q What were the circumstances as to your seeing him or meeting him?

Q Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.

Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-401, D-402, D-401, D-407, and D-776, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones,

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

REJECTED, as to Wife, Matilda:

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
VINITA, I.T., MAY 22d, 1901.

In the matter of the application of George Meigs, Sr., for the enrollment of himself, wife and child as Cherokee Freedmen; said Meigs being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your name. A George Meigs.  
Q How old are you? A I could not tell you.  
Q Well as near as you can come? A Well I guess I must be about 60 I guess.  
Q What is your post office? A Wimer I believe.  
Q In what district do you live? A Cooweescoowee.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Do you want to apply for anybody besides yourself? A Well, I guess I do, I have got a wife and two children that is under age yet.  
Q You apply then for yourself, your wife and two minor children?  
A Yes, sir.  
Q Are these children both unmarried? A One is and one of them is  
A And one of them is married? A Yes, sir.  
Q That brings you down to one child you can apply for? A Yes, sir.  
Q Is that child living now? A Yes, sir.  
Q How long have you lived in the Cherokee Nation? A Why, ever since '66.  
Q Did you live in the Cherokee Nation before that? A Yes, sir.  
Q Did you live in the Cherokee Nation at the time of the war?  
A Yes, sir.  
Q Where were you born? A Born in the Cherokee Nation.  
Q Have you lived in the Cherokee Nation all your life except a little while about the time of the war? A Yes, sir.  
Q Were you a slave in the Cherokee Nation at the time the war broke out? A Yes, sir.  
Q To whom did you belong? A Reubin Daniel and Lila Daniel.  
Q Were they recognized citizens of the Cherokee Nation? A Yes, sir.  
Q Give me the name of your father? A Peter Meigs.  
Q Is he dead? A Yes, sir.  
Q How long has he been dead? A I could not tell you.  
Q Give me the name of your mother? A Elizabeth Meigs.  
Q She is alive isn't she? A Yes, sir, she was enrolled just now.  
Q Give me the name of your wife? A Matilda Ward.  
Q Her name was Ward was it, Meigs now? A Yes, sir.  
Q How old is your wife? A I could not hardly tell you.  
Q Well as near as you can come. A I got a paper here.  
Q This paper says that your wife was 22 years old in '99, she is about 24 years old now, is that about right? A I guess it is.  
Q You say your wife's name is Matilda? A Yes, sir.  
Q It is not Maheda? A No, sir, Matilda.  
Q When were you and your wife married, in '99? A I guess it must have been.  
Q Is this the certificate and license of your marriage? A Yes, sir.

Com'r Breckinridge:--The applicant presents a license issued by the Clerk of the United States Court, Northern District, Indian Territory, on June 26th, 1899, authorizing marriage between himself and his wife, as stated by him. The certificate shows that they were united in marriage on the 31st of July, of the same year, by the Rev. Shelton D. Brown. This is filed herewith.

- Q Does your wife claim to be a Cherokee Freedman of her own right?  
A Her father was Cherokee raised and his owners was George Ward.  
Q And what about her mother? A Well her mother wasn't.  
Q She was an outsider? A Yes, sir, I guess she was.  
Q As far as you know? A Yes, sir.



George Meigs, Sr., et al.--2.

Q Give me the name of your wife's father? A Josh Ward.  
Q Is he dead? A No, sir.  
Q Give me the name of your wife's mother? A Madilene Ward.  
Q Is she dead? A No, sir.  
Q And have her father and mother applied for enrollment?  
A No, sir, not yet.  
Q Now, Josh Ward you think may be a Cherokee Freedman of his own right? A Yes, sir, I know he is.  
Q How old is Josh Ward? A I could not tell you.  
Well, can you give anything like near it? A No, sir, I could not.  
Q Is he as old a man as you? A Yes, sir, he is.  
Q Is he as old as you? A Yes, sir, he may be a little older.  
Q How about Josh's wife, Madilene? A I could not tell you that.  
Q She is a good deal younger than you isn't she? A What?  
Q Is she much younger than you? A She might be, I don't know.  
Q Is she a woman of 45 or along there? A I expect she is.  
Q Do you know anything about the marriage of Josh Ward to his wife Madilene? A No, sir, I don't.  
Q How long has your wife lived in the Cherokee Nation? A I could not tell you that.  
Q Give me the name of this child for whom you apply? A George Meigs.  
Q Is that a child of this marriage? A No, sir.  
Q Child of a former marriage? A Yes, sir.  
Q How old is this child? A I guess he must be about 19 years old.  
Q Give me the name of the mother of this child? A Cinda Meigs, she was then; before I married her she was Cinda Towers.  
Q Is she dead? A No, sir.  
Q When did you marry her? A I could not tell you that directly, after we come to Big Creek.  
Q Pretty soon after the war? A Yes, sir, pretty soon after we come down here, about a year or two I think.  
Q About how long did you and she live together, or about when did you separate? A Why, we lived together a good while; well we got five children.  
Q Well how long since you and she separated? A I could not tell you that.  
Q Well, I must find out something from you. (No response.)  
Q How long after this child George was born; don't you remember how old he was, or how big he was? A He must have been, let me see, he must have been about seven or eight years old when me and her parted, I am just guessing at that now.  
Q Well, you have been parted something like ten or twelve years, something like that? A Yes, sir.  
Q Is that far from it? A Well that's it, I think he was just about eight or nine years old when me and her separated.  
Q That child is named after you? A Yes, sir.  
Q Well we will call him George Meigs, Jr., if you have no objection.  
A we call him Georgie.  
Q Well we will call you Sr. if you have no objection. A Well, sir.  
Q Where is your wife, Cinda, living now? A Over here on Big Creek.  
Q Did you have a divorce from her? A No, sir, nothing more than an agreement that we wasn't no more man and wife.  
Q Were you ever married before you married this wife Cinda?  
A No, sir.  
Q Was she ever married before she married you? A No, sir.  
Q How about this present wife, Matilday was she ever married before she married you? A No, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicant and his wife not found thereon.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicant's not found thereon.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's former wife not found thereon.

George Meigs, Sr., et al.--3.

The Kerns-Clifton Roll of Freedmen of the Cherokee Nation examined and applicants' names found thereon as follows:  
Page 128, #3189, George Meigs, Coowasee District.  
(Name of applicant's wife not found thereon.)  
Page 128, #3193, Georgia Meigs, Coowasee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 127, #2666, George Meigs, Coowasee District.  
The name of applicant's wife not found on the Wallace Roll.

BY W. W. HASTINGS, Cherokee Representative:

Q What was your oldest child's name by your first wife? A John Meigs.

Q Is John alive? A Yes, sir.

Q How old is John? A Well, I could not hardly tell you; I had his ages all down, but they ought to know.

Q That is the oldest child? A Yes, sir.

Q Is John here? A Yes, that's him sitting right there.

JOHN MEIGS, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your name? A John Meigs.

Q How old are you? A 27.

Q What is your post office? A Wimer.

Q Are you a son of this applicant here, George Meigs? A Yes, sir.

GEORGE MEIGS, SR., the Applicant Re-called:  
BY W. W. HASTINGS:

Q What was John Meigs' mother? A Lucinda.

Q Married her on Big Creek? A Yes, sir.

Q And you married her about a year after you came here? A Yes, sir, I guess it was about that, two or three years, something like that.

Q Short time after you came back? A Yes, sir.

Q And this is your oldest child? A Yes, sir, and there is my next oldest one sitting there.

Q Did you come back with your father and mother? A Yes, sir.

Q What time of the year was it you came back? A Came when they come.

Q What time of the year? A I don't know.

Q Was it February? A Yes, sir, I come right along with them and been here ever since, raised up my family.

Q You don't know what time of the year it was? A No, sir.

Q Was it the February at the time Sam Sanders testified that you come? A Yes, sir.

Q You were not married then? A No, sir, I was with my father.

Q You were grown? A Yes, sir, but I was staying right with him.

Q 24 or 25 years of age? A Yes, I was with him, but of course we always was poor and had nothing and I stayed with him until I got a little start.

Q You came in a wagon? A Yes, sir.

Q Did you build a house after you got here? A The house he lived in was built when he come.

Q He bought the house when he come there? A The ground that was here before built the house, he made a trip and bought this house from this man who said this was too far from grub, wasn't anything to eat out there.

Q You didn't come with your father on his first trip? A No, sir.

Q You come when he come the last time to stay? A Yes, sir.

Q That is a fact is it? A Yes, sir, that is a fact.

Q Snow on the ground? A Yes, sir.



George Meigs, Sr., et al.--4.

Q How long after Christmas was that? A I could not tell you. I never paid any attention to that.

Q You only know that you came with your father here to stay?

A Yes, sir.

Q You never went back to Kansas after that? A I went once.

Q How long did you remain? A I started from home on Friday and got up there on Sunday and started back Tuesday.

Q How long was that after you came down there? A I think it was in June.

Q The following summer? A Yes, sir, we run out of grub, I didn't have anything to eat.

Q Do you know the month you come down here first? A No, sir, and I would not undertake to tell you that; what I know that is what I like to tell.

BY COM'R BRECKINRIDGE:

Q How long after you married your wife, Cinda, before this boy ~~George~~ was born? A I don't know, some two or three years I guess.

Q Didn't have any child for two or three years? A No, sir, I don't think I did.

Q And how long did you say you had been in the Cherokee Nation before you married? A Must have been some two or three years, I didn't keep any account.

Q You had made several crops had you? A Yes, sir.

COM'R BRECKINRIDGE:--The applicant applies for the enrollment of himself and one minor child. The applicant states that he has lived in the Cherokee Nation all his life except his absence during the war and a short time thereafter when he was in the State of Kansas. He is identified on the Wallace roll and the Kerns-Clifton roll, but not upon the roll of 1880 or upon that of 1896. For further testimony in regard to the time when he returned to the Cherokee Nation from the State of Kansas, reference is made to the case of his mother, Elizabeth Meigs, which has been taken in the course of this afternoon, and a copy of the testimony in her case will be filed in this case. The applicant is now some thing like 60 years of age, and his testimony is that he came down to the Cherokee Nation for the first time after the war when his father moved the family down in the winter as he claims of 1866. Much of his testimony shows that it was in the February following the August of 1866. Attention will also be directed to the probable application made by this family to the Cherokee Citizenship or Supreme Court at some time prior to the Wallace Court, of the Cherokee Nation in the matter affecting their status as Cherokee Freedmen. The applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card for the further consideration of his case.

His child, George Meigs, Jr., is identified on the Kerns-Clifton Roll. This child's mother is shown to have been lawfully married to the applicant soon after the close of the Civil War. She is not identified on any roll and it does not appear that the child derives any right through its mother. It is a minor and still living and this child will now be listed for enrollment as a Cherokee Freedman on a doubtful card to await the determination of his status through his father.

As for the applicant's present wife, Matilda Meigs, she is shown to have married him in July, 1899. The license and certificate relating thereto are filed herewith. The applicant's wife is 24 years of age; she is not identified upon any roll in the possession of the Commission; neither is her father or her mother, both of whom are said to be alive, identified upon any roll in the possession of the Cherokee

George Neige, Jr., et al. - 5.

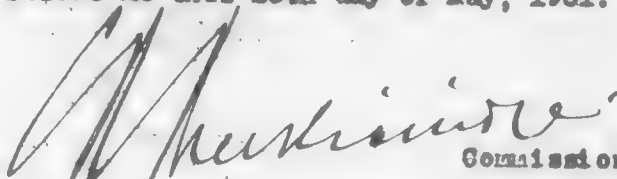
Nation and all of them have been searched. It further appears that the applicant never procured a judicial divorce from his first wife from whom he has been parted something like ten years. Therefore, the applicant's present wife having no status apparently of her own and having married too late to have acquired the right of enrollment by intermarriage, and her husband never having procured a judicial divorce from his first wife, is considered to have no right to enrollment at this time and the application for her enrollment is rejected.

---000000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 28th day of May, 1901.

  
Commissioner.

File with Cherokee Freedmen B-594, George Meigs.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for  
enrollment as Cherokee Freedmen.

Supplemental testimony in behalf of the applicant.

Appearances:

L. A. Brown, agent for applicants;  
L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testifies as follows:

Q By L. A. Brown: State your name? A Daniel Sanders.

Q How old are you? A About 39.

Q What is your postoffice address? A Centralia.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1880?

A I think it does.

Q You know Elizabeth Meigs and George Meigs? A Yes, sir.

Q What relation is George Meigs to Elizabeth Meigs? A Her son.

Q Did you know Peter Meigs during his life time? A Yes, sir.

Q Do you know whether Peter Meigs, Elizabeth Meigs, and George

Meigs were out of the Cherokee Nation during the war? A Yes, sir.

Q When did they return to the Cherokee Nation? A They came in '66.

Q With whom did they return? A They came with me and my father

and the Webbers.

Q Have they had a continuous residence in the Cherokee Nation ever

since? A Yes, sir.

Q Mr. Bell: When did you come to the Cherokee Nation yourself after

the war? A In '66.

Q What time of the year? A First of December.

Q That was the first time? A Yes, sir.

Q When did you make your second trip? A Along in first part of

January.

Q That was January, 1867? A Yes, sir.

Q Now which one of these trips was it that Peter and his family

came with you? A They came both times.

Q Came both times? A Yes, sir, the old man came the first time

and then the last time the family came.

Q Peter came with you during the first time? A Yes, sir.

Q Then the second time he brought his family? A Yes, sir.

Q What did his family consist of? A Mary, George, Alice, Perry,

Simon, and Perry.

Q Then was his children? A Then was his children.

Q Tell me had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part  
of the record in the case at bar and part of the record in  
B-594, B-595, B-596, B-401, B-402, B-403, B-407, B-476.

Grace H. Jones, being duly sworn, says that as stenographer to the  
Commission to the Five Civilized Tribes he correctly recorded the pro-  
ceedings and testimony in the above case, and the foregoing is a true  
and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 19th of November, 1901.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;

J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Ninth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Robert Meigs.

Where do you live? A I live five miles southwest of Tahlequah.

What is your postoffice? A Park Hill is my postoffice.

How old are you? A I am 56 my next birthday.

How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '84 to '66.

Did your people own any slaves before the war? A Yes sir.

Do you know whether they owned a woman by the name of Elizabeth?

A No, sir.

Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.

Well, did you know Peter Meigs? A Yes, sir.

Do you know what his wife's name was when the war broke out?

A Betsy they called her.

Well, was she living, Betsy, at the time the war broke out?

A Yes, sir.

Well, did you ever know her by any other name than Betsy?

A Bettie.

Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.

Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one. I have never seen her but once.

Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.

Q Did you ever see Peter Meigs and his family after the war? A Yes, sir, saw Uncle Peter.

Q What year was that? A Sometime after '71,

Q What were the circumstances as to your seeing him or meeting him?

A Why he had come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned?



Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late; is that what he told you? A Yes, sir.


L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 7th of November, 1901.



Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for  
enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:

L. T. Brown, agent for applicants;  
L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, tes-  
tified as follows:

By L. T. Brown: State your name? A Daniel Sanders.

Q What is your age? A About 59.

Q What is your postoffice address? A Centralia.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1880?

A I think it does.

Q You know Elizabeth Meigs and George Meigs? A Yes, sir.

Q What relation is George Meigs to Elizabeth Meigs? A Her son.

Q Did you know Peter Meigs during his life time? A Yes, sir.

Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs  
were out of the Cherokee Nation during the war? A Yes, sir.

Q When did they return to the Cherokee Nation? A They came in '65.

Q With whom did they return? A They came with me and my father  
and the Webbers.

Q Have they had a continuous residence in the Cherokee Nation ever  
since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the  
war? A In '66.

Q What time of the year? A First of December.

Q That was the first time? A Yes, sir.

Q When did you make your second trip? A Along in first part of  
January.

Q That was January, 1867? A Yes, sir.

Q Now which one of these trips was it that Peter and his family  
came with you? A They came both times.

Q Came both times? A Yes, sir, the old man came the first time and  
then the last time the family came.

Q Peter came with you alone the first time? A Yes, sir.

Q Then the second time he brought his family? A Yes, sir.

Q What did his family consist of? A Mary, George, Alice, Harry, Simon,  
and Perry.

Q Then was his children? A Then was his children.

Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of  
the record in the case at bar and part of the record in D-394, D-396,  
D-398, D-401, D-402, D-403, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to  
the Commission to the Five Civilized Tribes he correctly recorded the  
proceedings and testimony in the above case, and the foregoing is a  
true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

I. B. Needles,

Commissioner.



The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 31st day of August, 1902.

Charles E. Jones  
Notary Public.

Supl.-C.F.D.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
SAMUEL BECK as a Cherokee freedman; introduced on part of the  
Cherokee Nation:

Appearances:

L. T. Brown, Vinita, I. T., Agent for Applicant;  
J.S.Davenport, Cherokee representative.

L.B.BELL, being duly sworn, testified as follows on  
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A L. B. Bell.  
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.  
Q How long have you lived in and near Vinita? A Oh, since '67,  
including most of '67.  
Q Was there any railroad running in or through Vinita when you  
first moved into that community? A No, sir.  
Q When did the railroad first come through that country, Mr. Bell?  
A In 1871.  
Q How know this applicant, Sam Beck? A No, I don't know him.  
Q Don't know anything about him? A No, sir.  
Q Was you living in that country before the railroad started from  
Kansas through the Indian Territory; that is, the M. K. & T?  
A Well, I will tell you what I know about the railroad; The rail-  
road came through the country in 1870, and on the application of  
the Cherokee Nation, a complaint to the Secretary of the Interior,  
they stopped building and during the session after 1870 of the  
National Council of the Cherokee Nation, they passed an Act there,  
it is dated the 14th of December, 1870, authorizing the furnishing  
of cross-ties to the railroad, and agreeing that the railroad could  
go through. The secretary hadn't determined which had the right-of-  
way. They had begun it in 1870 and the M. K. & T. got the right-of-  
way, and then they authorized the selling of cross-ties, and I went  
to Okatope and made a contract with the Company for cross-ties  
enough to build from the Kansas line to Pryor Creek and sublet it.  
Mr. Martin was one I sublet to, that was in 1870 that contract  
was made, I don't recollect the exact date. Well, just a few days  
following that we began getting cross-ties and then worked on down  
to the Creek Nation. That was the first railroad built in the  
country and the first cross-ties was cut on the railroad in this  
country.  
Q You don't know anything about the wife of Beck or anything about  
them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on  
part of the Cherokee Nation:

MR DAVENPORT:

- Q What is your name? A C. D. Markham.  
Q Where do you live? A At Tahlequah.  
Q How long have you lived in the Cherokee Nation?  
A I was born and raised here never was out except during the war.

Q Where did you live before moving to Tanlequah? A Lived on Grand river east of Chetopa about ten miles.

Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.

Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.

Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '81.

Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.

Q And that was in what years it built down there? A The line was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.

Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commissioner: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

---soooooo---

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case; and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rossen.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. E. Needles,

Commissioner.

L. A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the foregoing is a correct copy thereof.

*L. A. R. Cheever*

sworn to and subscribed before me this 7th day of August, 1902.

*Priscilla Jones*  
Notary Public



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
SAMUEL BECK as a Cherokee Freedman; introduced on part of the  
Cherokee Nation;

Appearances:

L. T. Brown, Vinita, I. T., Agent for Applicant;  
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on  
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A L. B. Bell.  
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.  
Q How long have you lived in and near Vinita? A Oh, since '67,  
including most of '67.  
Q Was there any railroad running in or through Vinita when you  
first moved into that community? A No, sir.  
Q When did the railroad first come through that country, Mr. Bell?  
A In 1871.  
Q You know this applicant, Sam Beck? A No, I don't know him.  
Q Don't know anything about him? A No, sir.  
Q Was you living in that country before the railroad started from  
Kansas through the Indian Territory; that is, the M. K. & T?  
A Well, I will tell you what I know about the railroad. The rail-  
road came through the country in 1870, and on the application of  
the Cherokee Nation, a complaint to the Secretary of the Interior,  
they stopped building and during the session after 1870 of the  
National Council of the Cherokee Nation, they passed an Act there-  
in is dated the 14th of December, 1870, authorizing the furnishing  
of cross-ties to the railroad, and agreeing that the railroad could  
go through. The secretary hadn't determined which had the right-of-  
way. They had begun it in 1870 and the M. K. & T. got the right-of-  
way, and then they authorized the selling of cross-ties, and I went  
to Chetopa and made a contract with the Company for cross-ties  
enough to build from the Kansas line to Pryor Creek and submit it.  
Mr. Martin was one I submit to, that was in 1870 that contract  
was made, I don't recollect the exact date. Well, just a few days  
following that we began getting cross-ties and then worked on down  
to the Creek Nation. That was the first railroad built in the  
country and the first cross-ties was cut on the railroad in this  
country.  
Q You don't know anything about the wife of Beck or anything about  
them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on  
part of the Cherokee Nation.

MR. DAVENPORT:

- Q What is your name? A C. D. Markham.  
Q Where do you live? A At Tahlequah.  
Q How long have you lived in the Cherokee Nation?  
A I was born and raised here; never was out except during the war.

Q Where did you live before buying of Mankusah? A Lived on Grand river east of Cheateau about ten miles.

Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.

Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.

Q Do you know about the year the M. K. & T. railroad built from Cheateau, Kansas, down through the Territory? A It must have been the latter part of '71 or '72.

Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.

Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '72.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.

Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee Freedman case No. D.391.

---800000000---

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Reason.

Subscribed and sworn to before me this February 27, 1906.

(signed) J. A. Needles,  
Commissioner.

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the foregoing is a correct copy thereof.

*A. R. Cheever*

Sworn to and subscribed before me this 14th day of August, 1906.

*James C. G. G. G.*  
Notary Public.

To be filed in F. D. 394.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May, 13, 1902.

In the matter of the application of Elizabeth Leigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by F. W. Hastings.  
Applicant appears by E. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

- MR. HASTINGS: What is your name? A Mrs. Lydia Barton.  
Q What is your residence? A Fort Scott, Kansas.  
Q Do you hold any official position at the present time? A Yes, sir.  
Q What is it? A County Clerk.  
Q Of the county in which Fort Scott is located? A Yes, sir.  
Q Have you an official paper? A Yes, sir.  
Q What is it? A Our official paper at the present time is the Republican, but that changed you know from time to time.  
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.  
Q What was it? A The Fort Scott Monitor.  
Q Are you required to keep files of this paper in your office? A We are.  
Q Have you a file of the official paper including December, 23, 1866, up to and including March of 1867? A Yes, sir. (Here presents file)  
MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another Murder Introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay."  
MR. DROWN: Comes no the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.  
COMMISSIONER: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

Another murder.  
Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 22nd inst., after dark, Mr. Dyer Hayford of this city was found murdered. A colored man, named Ed Hackey, has been arrested, and in his trial, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford, has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Taylor streets, and was a very quiet and respectable man. The facts of his murder as we learn them, are these:  
On Saturday, about dark, the son of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Hackey had taken it, and was then on his way home with it, (Hackey resides near Fort Scott, miles,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mill, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.



Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Maygrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Gordon, and R. L. Phillips. The body of Mr. Hayford having been removed to his late residence, the jury proceeded to inquire into the cause of his death.

Dr. J. S. Redfield and S. P. Bayler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chest, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Gullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun, didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back for down whistling. Mr. Jones found the sack of flour at the edge of the creek, looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

R. B. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick when a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (colored) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer. I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Monroe Cullin told me he saw Mackey on the road towards home, and that Mackey heard a call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on his hip; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired; and soon after heard a man halloo; ran out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom towards the mill. Alex Harris, Natty Dickey and myself ran down the road. We found a man lying on his side; his face was turned downwards; he was alive but could not speak. From the sound I knew it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their indictment, stating that Oyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Hargrave, and will be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man, he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

#### "A Chapter of Horrors."

Murderer of Hayford-Captured and Hung.

Tragical events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charles Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Merford last winter. - All reports indicate that he has always been a character with himself a parallel in the annals of history for desperation.



and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, an attempt was made to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always deprecated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was soon burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully, generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Cox was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetery where it was interred.

#### Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vane - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the pearhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning.

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Benjamin Files.

Q That is your residence? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in 188, December? A I have lived there ever since 1882.

Q Did you know Dyer Hayford? A Yes, sir.

Q Had you known him before December 188? A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, was he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him who was accused of killing him? A Yes, sir.

Q That is Eli Mackey.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q And arrested him? Myself and a man we called Deacon Jones.

Q That this other man was with you? A Yes, sir.  
Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice; from the time the shots fired I wouldn't it was more than twenty minutes.  
Q Twenty minutes? A Yes, sir.  
Q Had it become generally known at the time of the arrest? A No, sir.  
Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.  
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.  
Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.  
Q Was he put in jail? A Yes, sir.  
Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 26th I think it was.  
Q Of February following, or '07? A Yes, sir.  
Q Well did he make his escape? A He got away.  
Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.  
Q Ed Coe was the turnkey was he? A Yes, sir.  
Q I will ask you then if there was any searching parties out for this man? Yes, sir.  
Q For how long? I think he was killed on the 20th of March.  
Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.  
Q Well were there quite a number of people out searching for him? A Yes, sir.  
Q Considerable excitement at that time? A Yes, sir.  
Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched farms, they looked around for him, but failed to find him.  
Q Up until that time? Yes, sir.  
Q You say that was for about three weeks? A Yes, sir, something over three weeks.  
Q From the 26th of February up until about the 20th of March? A Yes, sir.  
Q Do you know whether this Eli Mackey was reputed to be a Cherokee dancin' or not? A Yes, sir, he was.  
Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.  
Q That I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.  
Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail, I don't think it was much over a half an hour, I don't think it was any; he was in jail not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.  
Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.  
Q You had known Hayford prior to that time? A Yes, sir, sir and he was a friend.  
Q You were a friend of his? A Yes, sir.

H. O. Jones, being first duly sworn, testified as follows:

Q. MR. HASTINGS: What is your name? A. H. O. Jones.

Q. What is your residence? A. Fort Scott.

Q. Kansas? A. Kansas, yes, sir.

Q. What is your age, please sir? A. 36.

Q. Were you holding any office in the town of Fort Scott, Kansas, in December of '88? A. I was.

Q. Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A. I was.

Q. What office was that? A. City Marshal, called town constable.

Q. You was a city policeman? A. Yes, sir.

Q. Did you assist in his first arrest? A. I did.

Q. Who assisted you in the arrest? A. Mr. Benjamin Files.

Q. This man that's present here? A. Yes, sir.

Q. Did you hear the shots that killed Hayford? A. I did.

Q. How soon after Hayford was killed was Mackey arrested, Eli Mackey?

A. 20 or 25 minutes, inside of a half hour at most.

Q. Very short time? A. Yes, sir.

Q. Had any houses or places or anything of that kind been searched in the mean time? A. No, sir, there was no knowledge.

Q. People didn't generally know it up to that time? A. No, sir.

Q. Put in jail then? A. He was taken right in the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.

Q. Well how long did he remain in jail, do you remember? A. Why I think something like six weeks or more.

Q. Well the Fort Scott Monitor says it about February 26th? A. I presume that was right, it was correct. It was hard for me to remember exactly.

Q. Well he remained in jail up to that time? A. Up till that time, he was not out of jail except while he was under guard.

Q. He made his escape then? A. He made his escape, yes, sir, at the time.

Q. You know how long he was at large? A. Well I put it something like three weeks.

Q. I will ask you if there was any searches at that time made for him? A. You mean arrest?

Q. When he got away after February 26th? A. Oh yes, sir, there was considerable hunt for him at that time.

Q. Reward offered for him? A. Yes, sir, reward offered.

Q. People searched around in the country for him? A. There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks after his escape from there.

Q. He was afterwards captured was not? A. Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.

Q. Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A. He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

Q. COMMISSIONER: You are positive about these dates? A. To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.

Q. '89? A. In '88 the killing was done.

Q. A few days before Christmas of '88? A. Yes, sir.



MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Weber, D-216, with reference to the return of the Weber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, and immaterial and not the best evidence, it being purely hearsay.

COMMISSION: First request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-402, D-405, D-407, D-472, and in D-381, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(Signed) Philip G. Foster.

Notary Public.

By Arthur G. Brown, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

Subscribed and sworn to before me this 14th day of May, 1902.

(Signed) Philip G. Foster.

T. D-594.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Washington, D.C., May 27, 1902.

In the matter of the application of George Weigs for the  
enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-594.

**APPEARANCES:**

Louis T. Brown for applicant.  
W. V. Hastings for Cherokee Nation.

**MR. HASTINGS:** The Cherokee Nation asks that all the testimony  
heretofore taken in the case of Elizabeth Weigs, the same being  
Freedman Hospital 501, be introduced and made a part of the record  
in this case.

**COMMISSION:** The request of the Nation will be complied with  
and the testimony filed.

Arthur G. Croninger, being first duly sworn, states that as  
stenographer to the Commission to the Five Civilized Tribes he re-  
ported in full the testimony and proceedings in the above case, and  
that the foregoing is a true and complete transcript of his sten-  
graphic notes thereof.

*Arthur G. Croninger*

Subscribed and sworn to before me this 21st day of July, 1902.

*(Seal)*

*[Signature]*  
Notary Public.

COPY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Joe Ross,.....	Cherokee Freedmen D-350
Chlora Grayson, et al.,.....	Cherokee Freedmen D-496
Aaron Webber,.....	Cherokee Freedmen D-216
Elizabeth Meigs,.....	Cherokee Freedmen D-391
George Meigs, Sr., et al.,.....	Cherokee Freedmen D-394
John Meigs,.....	Cherokee Freedmen D-398
Flemings Meigs,.....	Cherokee Freedmen D-398
Irene Hanks, et al.,.....	Cherokee Freedmen D-401
Hattie Carell, et al.,.....	Cherokee Freedmen D-402
Andrew Alberty, et al.,.....	Cherokee Freedmen D-404
Harriett Webber, et al.,.....	Cherokee Freedmen D-407
Moses Webber,.....	Cherokee Freedmen D-408
Wesley Webber,.....	Cherokee Freedmen D-409
Edward N. Webber,.....	Cherokee Freedmen D-410
Samuel Beck, et al.,.....	Cherokee Freedmen D-776
Edward Wright,.....	Cherokee Freedmen D-818
John Wright,.....	Cherokee Freedmen D-834.

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Joe Ross, for himself; by Joe Ross, for his sister, Chlora Grayson, and her minor child, Gertrude; by Aaron Webber, for himself; by Elizabeth Meigs, for herself; by George Meigs, Sr., for himself, his wife, Matilda Meigs, and minor son, George Meigs, Jr. (Matilda Meigs is differently classified and is not embraced in this decision); by John Meigs, for himself; by Flemings Meigs, for himself; by Irene Hanks, for herself and minor child, George Hanks; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Vernon Hanks; by Hattie Carell, for herself, her sister, Katie Meigs, and brothers, Nathan and Henry T. Meigs; by Elizabeth Alberty, for herself, her husband, Andrew Alberty, and minor children, Hattie, Charity, Mollie, Ben and Dolly Alberty; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriett Webber, for herself and minor child, Millie M., and her ward, Hattie Webber; by Moses Webber, for himself; by Wesley Webber for himself; by Edward N. Webber, for himself; by Samuel Beck, for himself, his wife, Mary Beck, and minor child, Luquittie; by Edward Wright, for himself, and by John Wright, for himself.

The evidence shows that Joe Ross, one Peter Meigs, now deceased, husband of Elizabeth Meigs, Moses Webber, Sr., father of Aaron Webber, George Meigs, Sr., Chlora Grayson, Samuel Beck and Andrew Alberty, were slaves of Cherokee citizens at the commencement of the War of the Rebellion, and that during said War they left the Cherokee Nation.

Said Joe Ross, Peter Meigs and Moses Webber, Sr., returned to the Cherokee Nation in the fall of 1866, and located a claim on the public domain of the Cherokee Nation; they then went back to Kansas for their wives and families, and returned with them to said Nation in February or March, 1867.

Elizabeth Alberty, wife of Andrew Alberty, Mary Beck, wife of Samuel Beck, and Harriett Webber, are children of said Elizabeth and Peter Meigs, and, with the exception of the said Elizabeth Alberty, who has been born since 1866, were minors at the time of their parents' return to the Cherokee Nation. The said Elizabeth Alberty desires to be enrolled as Lizzie Alberty. Moses Webber, Wesley Webber and Edward N. Webber are children of said Harriett Webber, and have all been born since 1866.

George Meigs, Sr., returned with his father and mother to the Cherokee Nation in February or March, 1867, and was of age at that time.

John Meigs, Flemings Meigs and Irene Hanks have been born since 1866, and are children of, and claim right to enrollment through, the said George Meigs, Sr. The names of the said George Meigs, Sr., John Meigs, Flemings Meigs and Irene Hanks, are not found on the 1880 authenticated roll of the Cherokee Nation.

Chlora Grayson returned to the Cherokee Nation with her brother, Joe Ross, in February or March, 1867. She was then married and not a member of the family of Joe Ross, at the time of his return to the Cherokee Nation. Her name is not found on the 1880 authenticated roll of the Cherokee Nation. Her minor child, Gertrude, takes only such rights as are possessed by her mother.

Samuel Beck did not return to and establish his residence in the Cherokee Nation until after January 19, 1867. His name is not found on the 1880 authenticated roll of the Cherokee Nation.

Andrew Alberty returned to the Cherokee Nation and established a residence therein in 1866.

Hattie Carell, Katie Meigs, Nathan Meigs and Henry T. Meigs have been born since 1866, and are the children of one Simon Meigs, and claim their right to enrollment through him. The evidence does not show that the said Simon Meigs was the slave of a Cherokee citizen, or free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion, who was residing therein on July 19, 1866, or within six months thereafter. The names of the said Simon Meigs, Hattie Carell, and Nathan and Henry T. Meigs, are not found on the 1880 authenticated roll of the Cherokee Nation.

Aaron Webber has been born since 1866, and is the son of Moses Webber, Sr., who is identified on the 1880 authenticated roll of the Cherokee Nation as adopted colored. It is presumed from this enrollment that the Cherokee Nation recognized that Moses Webber, Sr., complied with the terms of the treaty of 1866. Edward Wright is the step-son of said Moses Webber, Sr., and was a minor and a member of the family of said Moses Webber, Sr., when he returned with them to the Cherokee Nation in February or March, 1867. John Wright is the son of Edward Wright, and takes the status of his father.



Hattie Webber, included in the application of said Harriett Webber, is the daughter of Jesse and Missie Roe. The evidence does not show that the said Jesse or Missie Roe, or any of their ancestors, were ever slaves of Cherokee citizens, or free colored persons residing in the Cherokee Nation at the beginning of the War of the Rebellion. The names of said Harriett Webber, Jesse Roe and Missie Roe are not found on the 1880 authenticated roll of the Cherokee Nation.

The evidence further shows that Joe Ross, Elizabeth Meigs, Andrew Alberty, Mary Beck, Harriett Webber and Edward Wright have resided in the Cherokee Nation continuously since their return thereto, as above mentioned; that all the applicants herein, born since 1866, have resided in the Cherokee Nation continuously since birth.

It is, therefore, the opinion of this Commission, that Aaron Webber, having been born since 1866, should be enrolled as a Cherokee Freedman, and that Joe Ross, Elizabeth Meigs, Andrew Alberty, Lizzie Alberty, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Billy Alberty, Ned Alberty, Harriett Webber, Millie M. Webber, Moses Webber, Wesley Webber, Edward N. Webber, Mary Beck, Luquittie Beck, Edward Wright and John Wright should also be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495); it is further the opinion of this Commission that the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John Meigs, Flemings Meigs, Hattie Carell, Katie Meigs, Nathan Meigs, Henry T. Meigs, Irene Hanks, George Hanks, Fleming Hanks, Chlera Grayson, Gertrude Grayson, Hattie Webber and Samuel Beck, should be denied, under the provisions of said Section twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Tamie Pithy*

(SIGNED)

*T. B. Needles*

(SIGNED)

*C. R. Breckinridge*

(SIGNED)

*W. E. Stanley*

Muskogee, Indian Territory,

this JUL 10 1908

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Visita I.G. 10/19/61

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
George Miguel et al for enrollment as  
Freedmen of the Cherokee Nation.

No. I.D. 394

Louis T. Brown  
Agent for applicant



COPY.

Cherokee Freedmen  
D-380 Am.

Muskogee, Indian Territory, July 17, 1908.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the five Civilized Tribes, dated July 10, 1908, in the consolidated case of Joe Ross, et al., granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Maize, Andrew, Linda, Mattie, Charity, Willie, Ben, Dollie and Ed Alberty, Harriett, Willie H., Moses, Wesley and Edward E. Webber, Mary and Inquittie Beck, Edward Wright and John Wright, and rejecting the applications for the enrollment of George Maize, Sr., George Maize, Jr., John and Florence Maize, Mattie Carroll, Katie, Nathan and Henry T. Maize, Irene, George and Florence Maize, Gilera and Gertrude Grayson, Mattie Webber and Samuel Beck, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles.

Enc. N-22.

Commissioner in Charge.

COPY.

Cherokee F. D. 773  
604-2-4-9-55-6-4  
1

Wahleogee, Indian Territory, August 17, 1906.

Louis T. Brown,

Agent for Mary Beck et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1906, in the consolidated case of Joe Aase et al., granting, among others, the applications for the enrollment of Mary and Luquettie Beck, Harriett and Willie M. Webber, Elizabeth Waige, Andrew, Linnie, Mattie, Charity, Nellie, Ben, Dollie and Ned Alberty, and rejecting the applications for the enrollment of Samuel Beck, Mattie Webber, Mattie Carroll, Katie, Nathan and Henry T. Waige, Irene, George and Elmer Banks, Florence and John Waige, George Waige Sr., and George Waige Jr., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

*T. B. Needles.*

Commissioner in Charge.

Dec. 1901

Register.

Cherokee Freedmen  
D-394

COPY.

Muskogee, Indian Territory, August 17, 1903

George Meigs, Sr.,

Wimer, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself and your minor child, George Meigs, Jr., as Cherokee freedmen. There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles,*

Enc. D-103  
Register.

Commissioner in Charge.

Cherokee Freedmen  
D-350 et al.

Muskogee, Indian Territory, August 17, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Joe Ross et al., including the Commission's decision dated July 10, 1903, granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Weigs, Andrew, Lizzie, Mattie, Charity, Mollie, Ben, Dolly and Ned Alberty, Harriett and Willie M. Webber, Moses, Wesley and Edward M. Webber, Mary and L. Quittie Beck and Edward and John Wright, and rejecting the applications for the enrollment of George Weigs, Sr., George Weigs, Jr., John and Fleming Weigs, Mattie Carroll, Mattie, Nathan and Henry T. Weigs, Irene, George and Flenon Wanks, Chlora and Gertrude Grayson, Mattie Webber and Samuel Beck, as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

At the request of the attorney for the Nation there are also enclosed two copies of his general brief in the Cherokee freed-

-2-

new enrollment, which he desires to have considered in connection with these cases.

Respectfully,

*T. E. Neenan,*  
Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

Ency D-113



DEPARTMENT OF THE INTERIOR,

A.C.T.

Office of Indian Affairs.

Washington, Oct. 3, 1903.

Land  
53858-1903.  
53859-1903.  
61805-1903.

To the Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

In accordance with the request contained in your report of August 31, 1903, the record relative to the application of Clara Grayson, et al., parties applicants to the Joe Ross, et al. case, is returned. There is also enclosed the affidavit of Samuel Beck, a party to the case, which was filed in this office by Chester Howe, Esq., of this city, who requested that action be suspended on the case for a reasonable time in order that Samuel Beck might secure further and additional proof of relation to his right to enrollment. Mr. Howe has been advised of this action.

Very respectfully,

(Signed) W. A. Jones,  
Commissioner.

S.A.V.-L.C.

A.C.T.

76144

Indian Office

Incl. No. 2

1903

Department of the Interior,

RECEIVED

OCT 31 1903

Encl. No. 7 of No. 2411  
Indian Territory Division.

DEPARTMENT OF THE INTERIOR

NOV 16 1903

Returned with No. 223  
Inclosure IND. T. DIV.

Ind. T. Div.  
Nov 16 1903

For Mr. Thomas M. ...

... ..

... ..

Leontalim, Ind. Ter.  
Oct the 8, 1903.

The Honorable,

The Secretary of the Interior,

Washington, D. C.

Sir:

You will please permit William Henry White, Esq., to examine the record in the matter of the application of myself for enrollment as a Cherokee citizen and to make such memorandum, extracts and copies herefrom as he shall see fit.

Very respectfully,

Witness:

Andy Walker

Ch Elizabeth Mergel  
George Mergel his X mark

RECORDED  
INDEXED  
OCT 11 1903  
U.S. DEPT. OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C.

76144

Indian Office

Incl. No. 1

1903

Department of the Interior,  
RECEIVED

NOV 16 1903

No.

Indian Territory Division.

HARRY G. KIMBALL.  
WILLIAM HENRY WHITE.

KIMBALL & WHITE,  
Attorneys at Law,  
COLUMBIAN BUILDING, 410 5TH ST., N. W.,  
Washington, D. C.

November 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In compliance with the Department's request of November 5, 1903, you will please enter my appearance in the case of Elizabeth and George Meiggs for enrollment as Cherokee Freedmen. I enclose herewith authorization signed by the above named applicants.

Very respectfully,

1 Enc.

*Wm Henry White*

72394

INDEXED.

33787	10
1903	

Indian Office,  
December 5, 1903,  
Washington, D.C.  
Jones.

-----  
Directs that communication from William H. White, requesting that his appearance be entered in Cherokee Freedman case of Elizabeth and George Meiggs be made a part of the record.

ck

72391

3946



456  
Refer in reply to the following:

Land.  
76,144-1903.

# Department of the Interior

OFFICE OF INDIAN AFFAIRS.

WASHINGTON.

Dec. 5, 1903.

The Commission

to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

Referring to office letter of October 3, 1903, returning to you, at your request, the record relative to the application of Joe Ross, et al., for enrollment as Cherokees, there is enclosed, herewith, a communication from William H. White, of this city, dated November 14, 1903, requesting that his appearance be entered in the Cherokee freedman case of Elizabeth and George Meiggs, which said communication was received in this office with Department letter of November 23.

The records of this office show that George and Elizabeth Meiggs are parties applicant to the Joe Ross, et al., case, and you are requested to make the communication mentioned a part of the record in that case.

Very respectfully,

(G.A.W.) P.

*[Signature]*  
Commissioner.

COPY.

Cherokee Freedmen

D-371-354.

Muskogee, Indian Territory, April 17, 1905.

Kimball & White,

Attorneys for Elizabeth Neigs, et al.,

Columbian Building,

415 Fifth Street, N. W.,

Washington, D. C.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1905, rejecting, among others, the applications for the enrollment of Elizabeth, George Sr. and George Neigs Jr., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 3-62  
Register.

ASG:EDC.

Tamie Bixby  
Chairman.

COPY.

Cherokee Freedmen

D-394.

Muskogee, Indian Territory, April 17, 1908.

George Meigs, Sr.,

Viner, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1908, rejecting, among others, the application for the enrollment of yourself and your son, George Meigs Jr., as Cherokee freedmen. There has heretofore been furnished your attorneys, Kimball & White, Washington, D. C., and Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-45.  
Register.

(SIGNED)

*Tamm Bixby*  
Chairman

COPY

Cherokee Freedmen

D-407, et al.

Muskogee, Indian Territory, April 17, 1906.

Louis T. Brown,

Attorney for Harriet Webber, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1906, rejecting, among others, the applications for the enrollment of Harriet, Millie M. and Mattie Webber, Mattie Carroll, Katie, Nathan, Henry T., Flemings, John, Elizabeth, George Sr. and George Neige Jr., Irene, George and Flenon Hawks, and granting, among others, the application for the enrollment of Andrew, Lizzie, Mattie, Charity, Nellie, Ben, Dullie and Ned Alberty, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

ORIGNED)

*Tamm Bixby.*

Cherokee.

Incl. 2-21  
Register.

COPY.

Cherokee Freedmen  
D-380, et al.

Muskogee, Indian Territory, April 17, 1905.

Bell, Hastings & Savenport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1905, granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lissie, Mattie, Charity, Nellie, Ben, Bellie and Ned Alberty, Samuel and Laquittie Beck, and rejecting the applications for the enrollment of Chisora Grayson, Elizabeth, George Sr., George Jr., John and Fleming Neige, Irene, George and Flossie Hanks, Mattie Curall, Katie, Nathan and Henry T. Neige, Harriet, Millie M., Mattie, Moses, Wesley and Edward H. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Jama Bixby  
Chairman

COPY

Cherokee Freedmen  
D-360, et al.

Mustagee, Indian Territory, April 17, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Joe Ross, et al., as Cherokee freedmen, including the Commission's decision dated April 17, 1906, granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Hattie, Charity, Nellie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Elora Grayson, Elizabeth, George Sr., George Jr., John and Fleming Keigs, Irene, George and Flossie Hanks, Mattie Carroll, Katie, Nathan and Henry T. Keigs, Harriet, Willie M., Hattie, Moses, Wesley and Edward E. Webber, Mary Beck, Edward Herrick and John Wright, as Cherokee freedmen.

Respectfully,

(SIGNED).

*Tams Bixby.*  
Chairman.

Incl. 2-64

Through the

Commissioner of Indian Affairs.



C O P Y .

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,  
Washington.

Land.  
30769-1905.  
4323-1905.  
44630-1905.

June 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 17, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Joe Ross for himself, his sister Chlora Grayson and her minor grand child, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Meigs for herself; by George Meigs, Sr., for himself and his minor son, George Meigs, Jr.; by John Meigs for himself; by Flemings Meigs for himself; by Irene Hanks for herself and her minor children, George and Flemon Hanks; by Hattie Carrell for herself, her sister, Katie Meigs, and her brothers, Nathan and Henry T. Meigs; by Lizzie Alberty for herself, her husband, Andrew Alberty, and her minor children, Hattie, Charity, Mollie, Ben, Dellie and Ned Alberty; by Harriet Webber for herself, her minor child, Millie M. Webber, and her minor ward, Hattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward N. Webber for himself; by Samuel Beck for himself; his wife, Mary and his minor child, Luquittie Beck; by Edward Derriek for himself; and by John Wright for

himself.

April 17, 1905, the Commission decided favorably to Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck and adversely to Chlora Grayson, Elizabeth, George Sr., George Jr., John and Flemings Meigs, Irene, George and Flemon Hanks, Hattie Carrell, Katie, Nathan and Henry T. Meigs, Harriet, Millie M., Hattie, Moses, Wesley and Edward N. Webber, Mary Beck, Edward Derrick and John Wright.

The record shows that Joe Ross, Chlora Grayson, Aaron Webber, Elizabeth Meigs, Peter Meigs (deceased) husband of Elizabeth Meigs, Sam Webber Sr., George Meigs Sr., Andrew Alberty, Samuel Beck and Edward Derrick were slaves of Cherokee citizens at the beginning of the war of the rebellion, and that during the war they left the Cherokee Nation; that Joe Ross, Peter Meigs and Sam Webber Sr., returned to the Nation in the summer or fall of 1866 and located claims upon the public domain of the Cherokee Nation; that they then returned to Kansas for their families and removed with them to the Cherokee Nation in the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck (wife of Samuel Beck) are daughters of Peter and Elizabeth Meigs, were born in the Cherokee Nation prior to their parents removal to Kansas, and returned to the Cherokee Nation with them; George Meigs Sr., another child, returned with them at the same time. Millie M., Moses Wesley and Edward N. Webber are the minor children of Harriet Webber and possess no rights to

enrollment except through their mother, their father Ellis Webber, not having returned to the Cherokee Nation on or before February 11, 1867. Hattie Webber is a daughter of Wesley Webber and one Missy Rowe; Missy Rowe was born since 1866 and is the daughter of Jesse Rowe, the rejection of whose claim was approved by the Department May 28, 1904. George Jr., John and Flemings Meigs and Irene Hanks are the children of George Meigs, Sr., and possess no rights to enrollment except through their father, their mother, Lucinda Meigs, born Towers, not being shown to possess any rights as a Cherokee Freedman; George and Flemen Hanks are the minor children of Irene Hanks and possess no rights to enrollment except through their mother. Hattie Carrell, Katie, Nathan and Henry T. Meigs were born since 1866 and are children of Simon and Fannie Meigs; Simon is the son of Peter and Elisabeth Meigs and returned to the Cherokee Nation with his parents. Fannie Meigs is not shown to possess any rights as a Cherokee Freedman. Andrew Alberty returned to the Cherokee Nation on or before February 11, 1867; his wife Lizzie Alberty, is the daughter of Peter and Elisabeth Meigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty are their minor children born since 1866. Samuel Beck returned to the Cherokee Nation and established a residence therein prior to February 11, 1867, and has since continuously resided therein.

4

The minor applicant, Luquittie Beck is the child of Samuel Beck and has resided with her father since birth.

Chlora Graysen returned to the Cherokee Nation with the Webbers, subsequent to February 11, 1867; her minor grand child, Gertrude Graysen, is the daughter of Armstead Foster, who is identified on the 1880 authenticated Cherokee roll.

Edward Derrick returned to the Cherokee Nation the last of February or first of March, 1867; John Wright is his son born since 1866 and takes the status of his father.

Aaron Webber returned to the Cherokee Nation in the summer of 1866. Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and the applicants, Gertrude Graysen and Lizzie, Hattie, Charity, Mollie, Ben, Dellie and Ned Alberty have resided therein continuously since birth. None of the other applicants, nor any of their ancestors, through whom they claim, can be identified on the 1880 authenticated Cherokee roll.

There is also enclosed briefs in behalf of Edward Derrick and Mary Beck which have received due consideration.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

G. F. Larrabee  
Acting Commissioner.

C O P Y .

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

I.T.D. 7530-1906.  
8004- "  
8900- "

June 25, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On April 17, 1905, the Commission to the Five Civilized Tribes transmitted for departmental consideration the record in the matter of the consolidated applications of Joe Ross, Chlera Grayson et al., Aaron Webber, Elizabeth Heigs, George Heigs, Sr. et al., John Heigs, Fleming Heigs, Irene Hooks et al., Hattie Carroll et al., Andrew Alberty et al., Harriet Webber et al., Moses Webber, Wesley Webber, Edward E. Webber, Samuel Beck et al., Edward Derrick, and John Wright, for enrollment as Cherokee freedmen, together with its decision dated April 17, 1905. There was also transmitted a general brief and argument for these applicants, prepared by their attorneys, also an argument on behalf of Edward Derrick, prepared by his attorney.

On September 7, 1905, the attorneys for the applicants filed motions for review in the matter of the applications of Joe Ross et al., Hattie Carroll et al., Elizabeth Heigs, Elizabeth Heigs et al., George Heigs, Sr., et al., Edward E. Webber, Harriett Webber, Moses Webber, and Wesley Webber et al.

No proper reason appears for granting said motions for review and they are hereby denied.

Reporting June 19, 1906, the Indian Office recommends that the decision of the Commission to the Five Civilized Tribes in this consolidated case be approved. A copy of its letter is inclosed.

A careful consideration of the record, together with the arguments submitted, leads the Department to the opinion that the Commission's decision is correct. The applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lissie Alberty, Mattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck, and Luquittie Beck are hereby approved, and you will enroll them as Cherokee freedmen. The applications for the enrollment of Clara Grayson, Elizabeth Neigs, George Neigs, Sr., George Neigs, Jr., John Neigs, Flemings Neigs, Irene Neigs, George Neigs, Florence Neigs, Mattie Carroll, Katie Neigs, Nathan Neigs, Henry T. Neigs, Harriett Webber, Millie M. Webber, Mattie Webber, Moses Webber, Wesley Webber, Edward H. Webber, Mary Beck, Edward Derrick, and John Wright as Cherokee freedmen are hereby denied.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inclosure.



Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chiera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl.P-7  
MHP

Commissioner.

Cherokee freed-  
men D. 380 et al.

Muskogee, Indian Territory, July 6, 1906.

Louis T. Brown,  
Attorney for Joe Reas, et al.,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Reas, et al., and rejecting the applications for the enrollment of Ohlers Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. P-7  
MMP

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Blue & Bulger,

Attorneys for Joe Ross, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al. and rejecting the applications for the enrollment of Chlora Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by you September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-6  
MCP

Commissioner.

Cherokee freed-  
man D. 394

Muskegee, Indian Territory, July 6, 1906.

George Neigs, Sr.,  
Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, rejecting your application for the enrollment of yourself and child, George Neigs, Jr., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by your attorneys September 7, 1905, for review of your case was denied by the Department on said date.

Respectfully,

Commissioner.

EMP

D.C. 55848-1906.

( COPY )

STARR & PATTEN,  
ATTORNEYS AT LAW,  
VINITA, I. T.

December 22nd 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes

Muskogee I T

Dear Sir:

Referring to the Cherokee Freedmen Enrollment cases of Luella Snaden et al and Chlora Grayson et al we beg to advise you that we have repeatedly reminded these applicants that they ought to file all of the affidavits they can secure in support of their motion for rehearing and in as much as they have given the matter no further attention the case might as well be forwarded for Departmental action as soon as your office is ready for it to go forward as we have nothing further to offer in support of this motion for rehearing.

Yours truly,

(Signed) Starr & Patten,  
J.C.S.

Badger, Indian Territory, December 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed August 20, 1906, by Starr & Patten, attorneys for applicants, Vinda, Indian Territory, for a rehearing of the Cherokee Freedmen consolidated case of Joe Ross et. al, vs. D. 200 et al., insofar as it rejects the applicant's Chlova Grayson, et al. With their letter of October 10, 1906, said attorneys forwarded affidavits by Jack Vann and Stephen Little, which they requested be filed in support of their motion, and they also requested that they be allowed thirty days within which to file additional affidavits in support of their motion. Since that time they have filed no new affidavits. These attorneys represent practically all of the Cherokee Freedmen cases that are now pending, and they have filed a number of motions to review all recent pending cases. They have also filed from time to time, affidavits and additional motions in support of their motions filed within the time limited by the Act of April 26, 1906. On December 21, 1906, said attorneys verbally advised the office that they had filed all of the papers they desire in connection with their motions.



Secretary-2

June 25, 1906 (I. T. D. 7532-6884-8900-1906), the Department affirmed the decision of the Commission to the Five Civilized Tribes favorable to a part of the applicants embraced in the Cherokee freedmen consolidated case of Joe Ross et al., and adverse to a part of the applicants therein. The motion referred to applies to applicants embraced in said case to whom the decision was adverse.

An examination of the original record in this case shows that the motion for a rehearing is without merit. The applicants in the case were represented in the hearing of the case by able attorneys, and a great mass of testimony was introduced in their behalf and on behalf of the Attorney for the Cherokee Nation. The motion is based upon the ground of newly discovered evidence, but there is no affidavit by any of the applicants showing that the evidence they now seek to introduce is newly discovered, or that with due diligence they could not have secured it when the case was heard before the commission. Both of the parties to the affidavits filed in support of the motion reside in the Cherokee Nation, and when the Commission was engaged in hearing Cherokee freedmen cases, they testified in a number of cases.

It is respectfully recommended that the motion for a rehearing be denied.

Secretary-3

There is enclosed a motion filed August 24, 1906, by Kevely & Givens, Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in said case. The protest of the Attorney for the Cherokee Nation, filed September 26, 1906, against this motion is also enclosed. The applicant, Mary Beck, was born prior to the breaking out of the war of the rebellion, and in accordance with the provisions of the Act of Congress approved April 26, 1906 ( 34 Stat., 137), she can not claim a constructive residence in the Cherokee Nation on account of the return to the Cherokee Nation of her father, Peter Neigs. The record in this case, as well as the records in various other Cherokee freedmen cases, shows that the family of Peter Neigs, and also the families of the persons with whom Peter Neigs returned to the Cherokee Nation after the war of the Rebellion, did not return to the Cherokee Nation until subsequent to February 11, 1867.

It is recommended that this motion for review be denied.

There is also enclosed a motion for review of the Cherokee freedmen case of Edward Derrick, one of the applicants in said case. This motion was filed August 24, 1906, by Roy T. Osborne and W. J. Sullivan, attorneys for applicant. This motion

Secretary-4

has no merit, for the reason that it does not point out any erroneous construction of the law in the Department's decision. It is also respectfully recommended that this motion be denied.

Respectfully,

Through the

Commissioner of Indian Affairs.

Encl. B-9

Commissioner.

(MW)

(COPY)

Refer in reply to the following:

Land.  
73-1907  
2937-1907  
33921-1906

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

January 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of the Commissioner to the Five Civilized Tribes, dated December 27, 1906, transmitting motion for a re-hearing in the Cherokee Freedman consolidated case of Joe Ross, et al., in so far as it rejects the applicants, Chlera Grayson, et al.

This motion was filed with the Commissioner on August 20, 1906, by Starr and Patten, attorneys for the applicants, at Vinita, I. T. With their letter of October 10, 1906, the attorneys furnished the Commissioner affidavits by Buck Vann and Stephen Little, to be filed in support of their motion.

On June 20, 1906 (I. T. N. 7132, 2224, 2007-1906), the Department affirmed the decision of the Commission favorable to a part of the applicants submitted in the Cherokee Freedman case Joe Ross, et al., and adverse to a part of them. The motion herein applies only to the applicants submitted in Departmental decision who were rejected thereby.

In connection herewith the attention of the Department is invited to a report of Commissioner Hilly dated January 7, 1907, which is transmitted on this day in connection with the

Cherokee Freedman case of Chlera Grayson, et al., with which is enclosed copy of letter from Starr and Fulton, attorneys for the applicants, dated December 22, 1906, saying that they have repeatedly called the attention of the applicants to the necessity of filing further affidavits in support of their motion for a re-hearing, and that they have given the matter no further attention. For this reason they say they have nothing further to offer in support of the motion.

The record in this case shows that the applicants were represented in the hearing by able attorneys and a great mass of testimony was introduced on their behalf and on behalf of the attorneys for the Cherokee Nation. The motion is based on the ground of newly discovered evidence, but in view of the letter from the attorneys for the applicants saying that no further affidavits will be filed in support of the motion, and of the further fact that it is not shown that with due diligence the evidence could not have been secured when the case was heard before the Commission, it is recommended that the motion for re-hearing be denied.

There is also enclosed a motion filed with the Commissioner to the Five Civilized Tribes, August 24, 1906, by Zevely and Givens, of Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in the case of Joe Hess, et al. The protest of the attorney for the Cherokee Nation, filed with the Commissioner September 26, 1906, against this

motion, is also forwarded herewith.

The record herein shows that Mary Beck was born prior to the breaking out of the War of the Rebellion, and in accordance with the provisions of the Act of April 25, 1906 (34 Stat. L., 137), she cannot claim a constructive residence in the Cherokee Nation on account of the return thereto of her father, Peter Neiga.

The record further shows that the family of Peter Neiga, and also the families of persons with whom he returned to the Cherokee Nation after the war, did not return until subsequent to February 11, 1867. It is recommended that this motion for review be denied also.

Edward Derrick, one of the applicants in the case of Joe Ross, et al., by his attorneys, Roy T. Osborne and W. J. Sullivan, filed a motion for re-hearing with the Commissioner on August 24, 1906, which is enclosed.

As this motion fails to point out any erroneous construction of the law in the Department's decision, it is recommended that it be denied.

The record in the case is herewith enclosed.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

ATW-D



Cherokee F.  
R 822

Muskogee, Indian Territory, February 15, 1907.

George Neigs, Sr.,

Wimer, Indian territory.

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of yourself, et al., filed by Starr & Patten, Attorneys at Law, Vinita, Indian Territory, on August 20, 1906, was denied by the Secretary of the Interior, January 29, 1907.

Respectfully,

JMH

Commissioner.

Charles F.  
R All.

Muskogee, Indian Territory, February 15, 1907.

Starr & Patten,

Attorneys for Chlera Grayson, et al.,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that a motion, filed by you August 20, 1906, for a rehearing of the Cherokee freedmen enrollment case of Chlera Grayson, et al., was denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. N-1  
JMH

Commissioner.

Cherokee F.  
R All et al.

Muskogee, Indian Territory, February 15, 1907.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of Chelera Grayson, et al., filed August 20, 1906, and motions for review of the Cherokee freedmen enrollment cases of Mary Beck and Edward Herrick, filed August 24, 1906, were denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. K-12  
JMH

Commissioner.

(COPY)

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.I.T.D.1365-1907  
D.C.6292-1907.

January 29, 1907.

LNS

Commissioner to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Sir:

On January 18, 1907 (Land 2937), the Indian Office transmitted your report dated December 27, 1906, submitting for departmental consideration a motion for rehearing filed in behalf of Chlora Grayson et al., a motion for review filed in behalf of Mary Beck, and a motion for review filed in behalf of Edward Derrick, the last two motions involving persons who are parties to the first motion.

The attorney for the Cherokee Nation files protests which apparently covers nearly all of the parties named in the motions. Argument is also submitted by the attorneys for Edward Derrick.

You recommend, for reasons set forth in your report, that all the motions be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department has considered these motions, together with the few supporting affidavits filed, the argument of attorneys on behalf of the applicants and the nation, and the original

record. In regard to the motion for comparing, the affidavits submitted show no evidence not heretofore considered by the Department. The record is voluminous, and it would appear that in the five years elapsing since the filing of this application ample time has been given to permit the applicants, by the exercise of due diligence, to have secured the necessary evidence to establish their rights as Cherokee freedmen.

The motions for review point out no specific error; one alleges error in your decision, when in fact the decision in the case was made by the Commission to the Five Civilized Tribes.

The three motions transmitted are without merit. They are hereby denied.

The papers are returned for the files of the Indian Office.

Respectfully,

Thos Ryan  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 int. and 25 to Ind. Of.

# AFFIDAVIT.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT

In the matter of the application of George  
for enrollment as a Cherokee Freedman.

No. F. D. 394

Henry Pack, of lawful age, being duly sworn on  
oath states that on the 21<sup>st</sup> day of September, A. D., 1901, he registered  
to George Meigs whose postoffice is Winner

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto  
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;  
and that on the 28<sup>th</sup> day of September, 1901, he received the return  
card which is hereto attached, signed by the said George Meigs, showing  
that he had received said notice.

Henry Pack  
Subscribed and sworn to before me on this the 28<sup>th</sup> day of Sept, A. D. 1901.

J. C. Starnes  
Notary Public.



REGISTRY RECEIPT.

FT. GIBSON, I. T.

SEP 21 1901

Post Office at

Registered Letter  
Parcel No.

Rec'd

, 190

of

addressed to

Hubbard Ross, P. M.

, P. M.

840394  
D. ....

**INDIAN TERRITORY,  
CHEROKEE NATION.**

I hereby certify that I served the with-  
in notice on.....

by delivering a true copy thereof on the  
day of ..... A. D. 190...

Given under my hand this.....  
day of ..... A. D. 190...

.....  
Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the  
..... day of ....., 190...

.....  
Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } S. S.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to .....

.....  
on the..... day of..... A. D. 190...

Subscribed and sworn to before me  
this .....

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE CIVILIZED TRIBES

FILED

OCT 2 1901

## NOTICE!

*IN THE MATTER OF* the application of George Neigs  
for enrollment as Cherokee citizens:

Case No. D 394

To George Neigs Sr. Vinita I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 15th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

L B Bell  
M N Hastings  
Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE CIVILIZED TRIBES

FILED  
21 1801

46854

82

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *May 22/91*  
Post Office *Wymers*  
District *Co.*

1. Name *George Meigs Sr. Co.*  
Owner's name *Julien Daniel* Citizenship *Cherokee*  
Year *1868* Page *128* No. *3189* District *Co.*

Parents:  
Father *Peter Meigs* Citizenship  
Mother *Elizabeth* Citizenship

2. Name of wife *Matilda Meigs* Age *47*  
Owner's name  
Year Page No. District  
Citizenship

Parents:  
Father *James Meigs* Citizenship *Co.*  
Mother *Maudie Meigs* Citizenship

Names of Children:

No.	Name	Year	Page	No.	Dist.
3.	<i>George Meigs Jr.</i>	<i>1868</i>	<i>128</i>	<i>3183</i>	<i>Co.</i>
4.		Year	Page	No.	Dist.
5.		Year	Page	No.	Dist.
6.		Year	Page	No.	Dist.
7.		Year	Page	No.	Dist.
8.		Year	Page	No.	Dist.
9.		Year	Page	No.	Dist.
10.		Year	Page	No.	Dist.
11.		Year	Page	No.	Dist.
12.		Year	Page	No.	Dist.

Application made by *Wm. J. George Meigs Sr.* Stenographer *Boston*  
*Wm. J. on R. C. V. George Meigs*

*Wm. J. on R. C. V. George Meigs*  
*Wm. J. on R. C. V. George Meigs*  
*Wm. J. on R. C. V. George Meigs*  
*Wm. J. on R. C. V. George Meigs*  
*Wm. J. on R. C. V. George Meigs*

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. George Weigs, Sr.,

Winer, I. T.

Cherokee F-D-304.

Registrar.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.



Cher. Fr. R. 823

Trans. from Cher. Fr. D. 391

Cher. Fr. R. 823

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., May 22d 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner G. R. Breckinridge, testified as follows:

- Q What is your name? A. Elizabeth Meigs.  
Q How old are you? A. I don't know my age.  
Q About how old are you? A. I was four years old when we came here with the old settlers.  
Q Was that when the Cherokees first moved to this country from the old nation? A. Yes sir.  
Q That would make you about 71 years old now wouldn't it? A. Yes sir I guess so.  
Q What is your post office? A. Centralia.  
Q In what district do you live? A. Cooweescoowee  
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir, I do.  
Q Who do you want to have enrolled besides yourself? A. My children.  
Q Have you any children under twenty-one years old? A. No sir.  
Q They will have to apply for themselves then. A. (No response)  
Q Have you a husband? A. No sir he is dead.  
Q Then you only apply for yourself? A. Yes sir.  
Q Have you lived here ever since you came with the Cherokees in 1837? A. Yes sir.  
Q How long have you been called Meigs? A. Ever since I was nothing but a girl.  
Q Were you married to a man named Meigs? A. Peter Meigs.  
Q Is he dead? A. Yes sir, five years ago in September.  
Q Was he a Cherokee Freedman? A. Yes sir.  
Q Were you a slave in the Cherokee Nation before the war? A. Yes sir  
Q To whom did you belong? A. Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

- Q Are any of your family on that roll that you know of? A. Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:

Page 278, No. 2858, Alice Sanders, Cooweescoowee district.

The 1890 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q Did you draw your Cherokee strip money? A. Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:  
Page 100 No. 2818, Eliza Meigs, Cooweescoowee district.

- Q Did you ever go by the name of Daniel? A. Yes sir then was my father.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:  
Page 122, No. 40, Elizabeth Daniel.

NOTE: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:  
Page 151, No. 2748, Elizabeth Meigs, Cooweescoowee district.

Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A. I was at Fort Scott during the war.  
Q When did you come back? A. In the winter of '66.  
Q What time in the winter? A. Well it was in the winter.  
Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.  
Q When did he bring you down? A In the winter after he went from here on Big Creek.  
Q He came ahead of you then? A Yes sir.  
Q What time did he leave Kansas? A. I cannot tell you when he first came.  
Q Did he leave Kansas before Christmas? A. Yes sir he came here in the winter of '66.  
Q Did he leave Kansas in the winter? A. Yes sir.  
Q Was he down here when Christmas came? A. Yes sir.  
Q Do you know how long it was before Christmas before he started to come here first? A. No sir I dont.  
Q How long was it after Christmas before he got back to you in Kansas  
A Directly after Christmas.  
Q How long after Christmas before you and he started down here to-  
gether? A. Directly after.  
Q He spent Christmas that year in the Cherokee Nation by himself?  
A Yes sir my husband did.  
Q What members of your family came down with you and your husband?  
A These children.  
Q Did you bring your child Alice Sanders with you? A Yes sir.  
Q All the children? A Yes sir.  
Q Can you explain why you are not on the roll of 1880? A No sir.  
Q Do you know why you are not on that roll? A. No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A. Yes sir what little we had, we never had much to sell.  
Q Where were you living in Kansas then? A Fort Scott.  
Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.  
Q Was it as much as a couple or three weeks? A Yes sir I guess so.  
Q And then you started down here? A. Yes sir.  
Q Was it in the spring of the year when you reached here? A No sir in the winter.  
Q The leaves were not budding out then on the trees when you and your husband and children got here? A. No sir there warent no buds ner nothing on the trees, it was winter I tells you.  
Q You all came in wagons did you? A Yes sir.  
Q Who came with your husband down here when he first came? A Old man Mike Sanders.  
Q Who else? A Reuben Sanders.  
Q Who else? A Daniel Sanders.  
Q Any one else that you remember? A. There was Little Sam Webber and old man Sam Webber.  
Q Any other Webber's? A. Aaron Webber.

Q Did any one else come down? A. I dont remember any one else now,  
Q Were you there when they started down? A. We all come together  
I am a telling you.

Q But I mean when your husband come on in advance of you. Who came  
with him then? Did these parties that you have named come with your  
husband when he first came down? A Yes sir.

Q You were at Fort Scott then? A. Yes sir.

Q And they all started together? A Yes sir.

Q These that you have named are all the you can think of at the  
present time? A Yes sir.

Q Did they come in wagons or on horse-back that time? A. They come  
in wagons when they first come.

Q And after Christmas you all came down did you? A Yes sir.

Q Did you come in wagons then? A Yes sir.

Q Did you come by a little place called Ohetopa ? A Yes sir.

Q Where did you come to in the Cherokee Nation? A. I come right  
where I am living yet when I come to the Cherokee Nation.

Q And you are living there yet? A. Yes sir, that old house was  
built in ~~August~~ '66.

Q What house? A That one we is living in.

Q And you are living at the same old place? A. Yes sir, in the same  
old house.

Q On what creek is that? A Big Creek.

Q Was any one living on Big Creek when you came there besides your  
own crowd? A. No sir, down on Verdigris there was some living.

Q You were the advance family or crowd that came to Big Creek were  
you? A Yes sir, we was the advance guard.

Q Did you see any one from Ohetopa along the road through the Nation  
to Big Creek when you came there? A. No sir.

Q Did these people who first came down with you husband ~~and~~ returned  
with him and then come down again when your family all came after  
Christmas? A. Yes sir.

Q You all came back together? A. Yes sir.

Q Now Auntie, did any additional people—any other families come down  
with you? A I dont know who all come down, I am just a telling you  
what I know.

Q There was Daniel Sanders, and Reuben Sanders and there was Mike  
Sanders, and Sam Webber, old and little Sam, they all came with you?  
A Yes sir.

Q Did Aaron Webber come? A. Yes sir.

Q And your family? A. Yes sir.

Q Are there any that I missed? A. That is all that I gave you.

Q Is that all that come? A. Aaron Wright come with us.

Q Who else? A. ( No response )

Q Where there any others at all? A. I am a telling you all that I  
can think of now, it has been a long time for an old woman like me  
to remember all that come.

Q You come to the place that you are living at now did you? A. Yes  
sir and has lived there ever since.

Q Have you any Cherokee neighbors there now that were old residents

Q No sir, there was some lived on Verdigris when we came there.

Q Who? A Lurie Riley was there on Verdigris, but not where we was  
living.

Q How far from where you settled? A. I dont know how far.

Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess  
at it right.

Q Were they the closest residents to you at that time? A Yes sir.

Q Were there any Delaware Indians there when you came there? A. No  
sir I never saw none.

E. Meigs 4.

Q Any Osages? A. No sir, never saw none.  
Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A. That is all.  
Q And you have been there ever since? A. Yes sir, ever since we moved there.  
Q You say your husband Peter Meigs built a house there? A There a a log house there and he bought the house and we moved to it.  
Q Who built the house if you know? A. Henry Harold.  
Q Was he a colored man? A Yes sir.  
Q Is he living? A. I dont know if he is or not.  
Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.  
Q They didn't admit him then did they? A I don't know sir.  
Q You know he was disputed? A. I dont know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court or Commission? A. I dont understand what you say.  
Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A. Yes sir my man ~~sir~~ ~~was~~ ~~enrolled~~ ~~before~~ ~~he~~ ~~died~~.  
Q I mean in Court? A That is what I am a telling you.  
Q You knew what a court is dont you? A. Yes sir.  
Q What court do you know? A Kerns Clifton court.  
Q Any other court that you know of? A. I know of the Wallace court.  
Q Any other? A No sir.  
Q Did he ever have anything done about his case by the Cherokee Council? A I dont know what was done, my man went there every year or two but I dont know what was done there.  
Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I dont know how long we were on the road  
Q Have you any witnesses with you that you want to introduce? A. Yes sir.

X RUBEN SANDERS, called and sworn by Commissioner G. R. Brookridge, testified as follows on the part of the applicant.  
( Examined by the Commission )

Q What is your name? A. Ruben Sanders.  
Q How old are you? A. I suppose I am about 50.  
Q What is your post office? A. Centralia.  
Q How long have you lived in the Cherokee Nation? A. All my life  
Q Were you a slave in the Cherokee Nation when the Civil war broke out? A. Yes sir.  
Q Who did you belong to? A James Sanders.  
Q Were you taken to Kansas during the war? A. Yes sir.  
Q You have a wife named Alice have you? A Yes sir.  
Q How long have you and she been married? A About 30 years perhaps more,



The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:  
Page 175, No. 2657, Reuben Sanders, Cooweescoowee district.

Q Did you ever have to carry the question of your citizenship before any court? A. Yes sir.  
Q What court? A The Chambers court.  
Q Is that the only one? A. Yes sir that is the only one; I was admitted by the Chambers Court.  
Q Where was it sitting? A At Tahlequah.  
Q In what year was that? A. I cannot tell what year it was  
Q Your citizenship had been disputed had it? A. Yes sir.  
Q When was your fight to citizenship first disputed? A. It was during the time that Thompson Oochelita was chief.  
Q Was that before the 1880 roll was made? A Yes sir.  
Q Did the court decide in your favor? A Yes sir.  
Q Was there any dispute made then about your being put on the 1880 roll? A No sir.  
Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.  
Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.  
Q Where did they take your name? A I was in Gooseneck Bend, at the time.  
Q Do you know the applicant Elizabeth Meigs? A Yes sir.  
Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was? A Yes sir.  
Q Did he go before the court at the same time? A. No sir, I think not.  
Q His wife's citizenship was also disputed? A. I judge so.  
Q Did she go down before that court? A. Not to my knowledge.  
Q Did he go down to Tahlequah to the court before that time? A. Yes sir I think he went down to the Bob Daniels court, think he went with my father.  
Q Was Bob Daniels Chief Justice of that court? A. Yes sir.  
Q Just a few years after the war? A. Yes sir.  
Q In '71 wasn't it? A Yes sir.  
Q Was any action taken in that court? A. I don't know.  
Q You were not there yourself? A No sir.  
Q You were about 15 or 16 years old when you come back? A Yes sir I guess so, I don't exactly know how old I was.  
Q You were not married then? A. No sir.  
Q How long long after you ~~arrived~~ got back before you married? A Not very long after I got back.  
Q Did you marry on your way down here? A No sir.  
Q How long had you been here before you married? A. I have been married twice.  
Q How long had you been here before you married the first time? A. A Not very long.  
Q As much as a year? A May be so.  
Q Is that your best judgment? A. My best judgment is perhaps that it



was that long.

Q When were you married to your present wife? A. Upwards of 30 years, or so.

Q How long did you live with your first wife? A. Not very long, she died.

Q A year? A Perhaps it was, maybe a little longer.

Q Then you married your present wife? A. Yes sir.

Q When you came to the Cherokee Nation how did you come the first time? A. In wagons.

Q The first time? A. Yes sir.

Q Who came with you? A. Several were on horse-back; it is beyond my knowledge how many there were.

Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.

Q Did you come in August? A Yes sir.

Q Who came with you then? A. Some of this family, Peter Meigs and got his place; the heads of these families.

Q Who else came with you? A. My brother Dan and the Whitmires.

Q Which ones? A Several.

Q Which ones? A Mose and Dennis, and the Webbers.

Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I don't know who else, I don't know who all come.

Q Who come when you come in October? A I don't know who all come then, some of that same crowd and some more come in October.

Q Do you remember any additional persons? A To the best of my knowledge the Smith family.

Q What was his first name? A. Old man Caesar Smith.

Q You come in both of the detachments yourself? A. No sir.

Q Which one did you come in? A I come in August.

Q You didn't come in October then? A Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.

Q On Big Creek? A Yes sir.

Q Where Mrs Meigs lived? A Yes sir.

Q And you returned in October, how long did you stay in October.

Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.

Q When did you afterwards move here the last time? A. In the winter of '66 is when we come down here the last time.

Q What time in the winter? A. Long in January.

Q You mean in '67.

Q No in the winter of '66.

Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I don't understand you; we came here in the winter of '66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.

Q That was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently

H. Meigs 7.

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following?  
A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.  
Q, I dont mean only of that family, there were other families were there not? A. Old man Billie Porman  
Q Who else? A. He had several children.  
Q The heads of families I mean? A. Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.  
Q Were any of the Webbers along? A. Yes sir.  
Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I has forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A. Yes sir.  
Q Did his son Sam come? A Yes sir.

By W. W. Hastings:

Q Dont you remember any one else? A. Rachel Webber.  
Q Do you think of any one else? A. No sir.  
Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.  
Q You know that there is a question about who came dont you? A Yes sir I guess I do.  
Q You say you came to Big Creek? A. Yes sir.  
Q Did you come by the way of Ohetopa? A Yes sir I guess that we did, I dont know that they called it Ohetopa then, there was a house or so there.  
Q Did you cross the river there? A. What river.  
Q Neosho? A No sir  
Q You didnt cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.  
Q You came through what is Ohetopa and came on west through the prairie? A We may have.  
Q You were in wagons? A Yes sir.  
Q Were there any persons living on any of that country from Ohetopa west, out to Big Creek except your own people who had come in August or October before that? A. I have no knowledge of any one living there before that.  
Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.  
Q Then the houses were not built before you moved there with your families? A. Yes sir some were, there there were logs on some up 8 or 10 logs high.  
Q Then there were none really completed until you moved there with your families? A. No sir.  
Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plow and bees.  
Q Do you know Jim Martin? A. Yes sir.  
Q How far does he live from you now? A. 4, 5 or 6 miles.  
Q Was he living there when you people moved there? A No sir.

E. Meigs 8.

Q He had a brother names William Martin? A Yes sir.  
Q Was he living out there then? A. No sir.  
Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.  
Q Was his name Dick Carter? A I think it was.  
Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.  
Q Do you know if that ferry that you crossed the Neokho river was called Gilstrap ferry? A No sir we never crossed on Gilstrap ferry.  
Q There were no farms made there when you passed through--no citizens had farms up there? A. No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66?  
A Yes sir.  
Q For what purpose did you come back then? A. To make it our home; the proclamation had told us to come home, that it was open for us to come.  
Q You didn't bring your families with you then? A. Only part of them and some things that we had.  
Q Part came with their families and part came to prepare for their families? A Yes sir.  
Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.  
Q You didn't bring your family with you at that time did you? A No sir.  
Q Did Peter Meigs bring any of his family then? A No sir.  
Q Did you go back to Kansas after that? A. Yes sir.  
Q When did you bring your family? A. Our family came in October.  
Q When did Peter Meigs go back to Kansas? A I think with my father.  
Q You came yourself in August? A. Yes sir with my father.  
Q You went back to Kansas after that? A. Yes sir my father want there and I went with him.  
Q When did Peter Meigs go back? A He went with the crowd.  
Q Did he go with you and your father? A. Yes sir.  
Q Then you returned to the Cherokee Nation again in October? A Yes sir.  
Q Did your father come with you? A. Yes sir.  
Q Did all the members of your own family come with you? A. No sir not all of them come in October.  
Q Where was Peter Meigs in October? A He come with us at each trip.  
Q Did he go back to Kansas with you? A Yes sir.  
Q And then you came back here to the Cherokee Nation in October?  
A Yes sir.  
Q Did Peter Meigs come back with you to the Cherokee Nation in October? A. Yes sir.  
Q That made the second time that Peter Meigs had been here? A. Yes sir.  
Q Where was Peter Meigs in Christmas of '66, do you know? A. No sir I dont exactly know where he was in Christmas of '66.  
Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A. Yes sir.  
Q How far apart? A. Two or three hundred yards apart.

- Q Did he then go back to Kansas for his family after he made that October trip with you? A. No sir he went back after something to eat.
- Q You stated that he brought his family the last time in February, when did he go back after his family? A. The third time he brought his family.
- Q You staid here then? A. Yes sir.
- Q When did you come? A. In the winter.
- Q Was it in February? A. Must have been in December.
- Q What about that February trip you spoke of? A It was in the winter some time. Snow was on the ground.
- Q Did your father come at that trip? A Yes sir.
- Q Your mother? A Yes sir.
- Q Peter Meigs? A Yes sir.
- Q His wife? A Yes sir.
- Q That was your third trip? A Yes sir.
- Q Was that your last trip? A Yes sir.
- Q When did your wife Alice come? A. Come then.
- Q On that third trip? A Yes sir.
- Q You say Peter made all three trips with you? A Yes sir.
- Q Every time you came he came? A Yes sir.
- Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
- Q Did he go there by himself? A No sir.
- Q Do you remember distinctly that you came here in August the first time? A. Yes sir.
- Q Do you remember distinctly that Peter came with you in August and October? A Yes sir..
- Q Do you remember distinctly that he came with his family when you made your third and last trip? A. Yes sir.
- Q With his family? A. Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he ~~was~~ returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official

R. Weige 10.

copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

~~CONFIDENTIAL~~

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

*Chas. von Weise*  
Subscribed and sworn to before me this the 28th of May, 1901 at  
Chelsea, I. T.

*W. H. T. C.*

Commissioner.



SECRET:

Department of the Interior  
Bureau of Indian Affairs  
Washington, D.C.  
May 23, 1901.

Enrollment of Five Civilized Tribes, Oklahoma Territory.  
P. O. Box 1000, Muskogee, Oklahoma Territory.  
Muskogee, Oklahoma Territory.

Q Give me the name of A. You say A. G. Green.

Q How old are you? A I am about 45 years old.

Q You ~~put~~ ~~ix~~ give me the date of the killing of the man, so I will know.

A Yes, sir.

Q And you say the killing was done in the month of January, 1897? A Yes sir, I was there at the time that it was done in January, 1897. When we made the last move, at the first of the month; it was the 1st of January in 1897; and the last move in August you know, in 1897, in October, and the last move in 1897, January, and I was there at the time that it was done in January.

Q How do you find out now it was in January? A It was just after Christmas that we was on the road and down. Q How long after Christmas? A Perhaps a week after Christmas; we were on the stage this is this, along Christmas - a few days before Christmas there was a man got killed named Hayford, and there was a citizen named killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following - a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W.V. Hastings:

Q How old are you? A I ~~would~~ ~~just~~ tell I just don't know exactly, I suppose that I am about 50 years old; something in that line.

Q Where did you say that killing took place? A In the State of Fort Scott, A. Yes sir.

Q And the man that was accused of the killing was named Mackey? A Yes, Mackey.

Q You remember his first name? A No.

Q You remember the man who was killed, you got his first name? A No sir I do not.

Q Did you ever learn afterwards whether or not that man was caught, do you know? A I seem to me like I learned afterwards that the man was caught.

No I don't know anything about that part of it.

Q You know what county Ft. Scott is in? A No sir.

Q Who called your attention to this error? A I thought

soon self; I called your attention to it; I was studying over it, I did.

Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Cherokee Representative: This statement will be filed as supplemental in the Five Civilized Tribes case, to be considered in connection with the former statement of the witness, and the other evidence relating to the facts in question.

M.D. Green, being first duly sworn, deposes and says that he is a member of the Commission to the Five Civilized Tribes and has correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this May 23, 1901.

*Chas. M. ...*

Commissioner.



File with Cherokee Freedmen B-331, Elizabeth Meigs.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Winita, L.T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al. for  
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;

J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown:- I would like to have the record show that  
sometime next week the applicant intends to introduce as wit-  
nesses in this case, Aaron Wright, Reuben Sanders, Ben Sanders  
and Sam Barber, for the purpose of showing that all the appli-  
cants in this case returned to the Cherokee Nation during the  
time prescribed by the Nineth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous resi-  
dence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, tes-  
tified as follows:

Q. Davenport: What is your name? A. Robert Meigs.

Q. Where do you live? A. I live five miles southwest of Tablequah.

Q. That is your postoffice? A. Park Hill is my postoffice.

Q. How old are you? A. I am 56 my next birthday.

Q. How long have you lived in the Cherokee Nation? A. I have lived  
all my life except a little while time of the war, from '64 to

Q. Did your people own any slaves before the war? A. Yes sir.

Q. Do you know whether they owned a woman by the name of Elizabeth?

No, sir.

Q. Do you know whether or not they owned her mother, or anybody of  
the family? A. Elizabeth, no, sir.

Q. Well, did you know Peter Meigs? A. Yes, sir.

Q. Do you know what his wife's name was when the war broke out?  
Betsey they called her.

Q. Well, was she living, Betsey, at the time the war broke out?

Yes, sir.

Q. Well, did you ever know her by any other name than Betsey?

Bettie.

Q. Where was Peter Meigs and his family at the breaking out of the  
war? A. Well, Peter was with us at home at the breaking out, but he  
and his wife was up there somewhere near the Dutch Mills on the  
Arkansas line.

Q. Well I wish you would look at that woman there and see if she  
is the woman you knew as Betsey or Bettie or whatever you knew her by  
(indicating applicant)? A. Yes, I think that is the one, I have never  
seen her but once.

Q. That is since the war? A. I just saw her once in my life and  
that was time of the war, after the war.

Q. Did you ever see Peter Meigs and his family after the war? A. Yes,  
sir, Uncle Peter.

Q. What year was that? A. Sometime after '71.

Q. What were the circumstances as to your seeing him or meeting him?  
He had come down to counsel to see about fixing up his  
rights, and he come down to visit my brother John, so we was right  
together, and I went up there to see him.

Q. Did you have a conversation with him or did he have a conversa-  
tion with your brother John in your hearing where he and his wife  
were present in regard to his right or when he returned? A. Yes.

Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Maiga, for the reason that Peter Maiga is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning; he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Maiga? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late; is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-400, D-402, D-403, D-404, D-407, and D-775, and the sub-references.

\*\*\*\*\*

Bruce G. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 7th of November, 1901.



Commissioner.

File with Cherokee Freedmen D-381, Elizabeth Meigs.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Winita, I.T., October 18, 1901.

In the matter of the application of Elizabeth Meigs et al. for  
enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:

L. T. Brown, agent for applicants;  
L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, tes-  
tified as follows:

By L. T. Brown. State your name? A Daniel Sanders.

What is your age? A About 59.

What is your postoffice address? A Centralia.

Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Does your name appear upon the authenticated roll of 1880?

I think it does.

You know Elizabeth Meigs and George Meigs? A Yes, sir.

What relation is George Meigs to Elizabeth Meigs? A Her son.

Did you know Peter Meigs during his life time? A Yes, sir.

Do you know whether Peter Meigs, Elizabeth Meigs and George  
Meigs were out of the Cherokee Nation during the war? A Yes, sir.

When did they return to the Cherokee Nation? A They came in '66.

With whom did they return? A They came with me and my father  
and the Webbers.

Q Have they had a continuous residence in the Cherokee Nation ever  
since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after  
the war? A In '66.

Q What time of the year? A First of December.

That was the first time? A Yes, sir.

Then did you make your second trip? A Along in first part of  
January.

Q That was January, 1867? A Yes, sir..

Q Now which one of these trips was it that Peter and his family  
came with you? A They came both times.

Q Came both times? A Yes, sir, the old man came the first time  
and then the last time the family came.

Q Peter came with you alone the first time? A Yes, sir.

Q Then the second time he brought his family? A Yes, sir.

Q What did his family consist of? A Mary, George, Alice, Harry,  
Simon, and Perry.

Q Then was his children? A There was his children.

Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part  
of the record in the case at bar and part of the record in  
D-384, D-385, D-388, D-401, D-402, D-404, D-405, D-475. A

\*\*\*\*\*

Brice G. Jones, being duly sworn, says that as stenographer to the  
Commission to the Five Civilized Tribes he correctly recorded the pro-  
ceedings and testimony in the above case, and the foregoing is a true  
and complete transcript of his stenographic notes thereof.

Witness my hand and subscribed before me this 17th day of November, 1901.

File with case C.F.D.#391.

Supl.-C.F.D.#775.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
SAMUEL BECK as a Cherokee freedman; introduced on part of the  
Cherokee Nation;

Appearances:

L. T. Brown, Vinita, I. T., Agent for Applicant;  
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on  
part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A L. B. Bell.

Q Where do you live, Mr. Bell? A Vinita, Indian Territory.

Q How long have you lived in and near Vinita? A Oh, since '67,  
including most of '67.

Q Was there any railroad running ~~ex~~ in or through Vinita when you  
first moved into that community? A No, sir.

Q When did the railroad first come through that country, Mr. Bell?

A In 1871.

Q You know this applicant, Sam Beck? A No, I don't know him.

Q Don't know anything about him? A No, sir.

Q Was you living in that country before the railroad started from  
Kansas through the Indian Territory; that is, the M. K. & T.?

A Well, I will tell you what I know about the railroad; The rail-  
road came through the country in 1870, and on the application of  
the Cherokee Nation, a complaint to the Secretary of the Interior,  
they stopped building and during the session after 1870 of the  
Nation Council of the Cherokee Nation, they passed an Act there,  
it is dated the 14th of December, 1870, authorizing the furnishing  
of cross-ties to the railroad, and agreeing that the railroad could  
go through. The secretary hadn't determined which had the right-of-  
way. They had begun it in 1870 and the M. K. & T. got the right-of-  
way, and then they authorized the selling of cross-ties, and I went  
to Chatopa and made a contract with the company for cross-ties  
enough to built from the Kansas line to Pryor Creek and abut it.  
Mr. Martin was one I sublet to, that was in 1870 that contract  
was made, I don't recollect the exact date. Well, just a few days  
following that we began getting cross-ties and then worked on down  
to the Creek Nation. That was the first railroad built in the  
country and first cross-ties was out on the railroad in this  
country.

Q You don't know anything about the wife of Beck or anything about  
them? A No, & I don't.

C. D. MARKHAM, being duly sworn, testified as follows on  
part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A C. D. Markham.

Q Where do you live? A At Tahlequah.

Q How long have you lived in the Cherokee Nation?

A I was born and raised here; never was out except during the war.



Q Where did you live before moving to Tahlequah? A Lived on Grand river east of Chouteau about ten miles.

Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.

Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.

Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '72.

Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.

Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

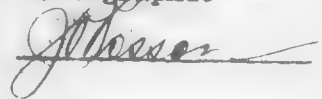
Q You don't know the applicant, Mr. Markham? A No, sir, I don't.

Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

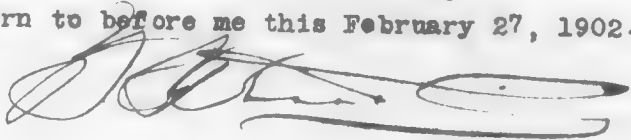
Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No.D.391.

---000000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this February 27, 1902.



Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Washoe, I.T., May 15, 1903.

In the matter of the application of Elizabeth Weigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.  
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn, testified as follows:

**MR. HASTINGS:** What is your name? A Mrs. Lydia Barton.  
Q What is your postoffice? A Fort Scott, Kansas.  
Q Do you hold any official position at the present time? A Yes, sir.  
Q What is it? A County Clerk.  
Q Of the county in which Fort Scott is located? A Yes, sir.  
Q Have you an official paper? A Yes, sir.  
Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.  
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.  
Q What was it? A The Fort Scott Monitor.  
Q Are you required to keep files of this paper in your office? A We are.  
Q Have you a file of the official paper including December 22, 1866, up to and including March of 1867? A Yes, sir. (Here presents files.)

**MR. HASTINGS:** The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December 26, 1866, found on the second column of the editorial page, headed "Another Murder."

**MR. BROWN:** Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

**COMMISSION:** The objection will be noted and the newspaper accounts introduced in evidence and considered for what they may be worth.

"Another Murder."

Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 28th inst., after dark, Mr. Dyer Hayford, of this city, was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott, Mo.), Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mill, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver. The



picion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Margrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and R. L. Phillips. The body of Mr. Hayford having been removed to his late residence, the jury proceeded to inquire as to the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Hepler made a post-mortem examination, and testified that they found four pistol or gunshot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side or back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any one of the three wounds found on his body would have been mortal.

Alonso Gullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door; went in and found Hayford alone and coming toward the door; Ed Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the hill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode alone to him; he put his hands up to sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's, and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour. He asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one; have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back towards town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me, I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's Saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down to the road. We found a man lying on his side; his face turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Byer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Maggrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott,

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if found guilty he should expiate his crime on the gallows."

**MR. HASTINGS:** I desire to introduce an editorial from the Fort Scott Monitor of date February 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

**MR. HASTINGS:** The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.

Murderer of Hayford Captured and Hung.

Tragic events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view to his recapture, and on Wednesday, the 20th instant, Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return, he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in his right side and fell to the ground. For some time no hope was entertained of his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Hafford last winter. - All reports indicate that he has always been a character with scarcely a parallel.

in the annals of history for desperation and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Gee was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetery where it was interred.

#### Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Makey and Harry Vann - one the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found the next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning.

**BENJAMIN FILES**, being first duly sworn, testified as follows:

- MR. HASTINGS:** What's your name? **A** Benjamin Files.
- Q** What is your postoffice, Mr. Files? **A** Fort Scott.
- Q** Kansas? **A** Kansas, yes, sir.
- Q** Were you living there at the close of the war? **A** Yes, sir.
- Q** Were you living there in '66, December? **A** I have lived there ever since '62.
- Q** Did you know Dyer Hayford? **A** Yes, sir.
- Q** Had you known him before December '66? **A** Yes, sir, I had known him in the neighborhood of two years before that and knew him up until that time.
- Q** Was he killed? **A** He was killed at Fort Scott.
- Q** Was he killed in the town? **A** He was killed just at the brink of the hill along in the mouth; yes, sir, he was killed in the city just about the brink of the hill.
- Q** About what time of the day was he killed? **A** He was killed just after dark, just dark.
- Q** Do you know who killed him, who was said to have killed him, who was accused of killing him? **A** Yes, sir.
- Q** Who? **A** Eli Mackey.
- Q** Was he a colored man? **A** Yes, sir, he was.
- Q** Did you assist in his arrest? **A** Yes, sir.
- Q** Who arrested him? **A** Myself and a man we called Deacon



Jones.

Q That this other man here with you? A Yes, sir.

Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. From the time the shots fired I wouldn't think it was more than twenty minutes.

Q Twenty minutes? A Yes, sir.

Q Had it become generally known at the time of the arrest? A No, sir.

Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.

Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.

Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.

Q Was he put in jail? A Yes, sir.

Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 26th I think it was.

Q Of February following, of '87? A Yes, sir.

Q Well did he make his escape? A He got away.

Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.

Q Ed Coe was the turnkey was he? A Yes, sir.

Q I will ask you then if there was any searching parties out for this man? A Yes, sir.

Q For how long? A I think he was killed on the 20th of March.

Q From then about the 26th of February until the 20th of March people looking for him, a reward offered for him? A Yes, sir, some three hundred dollars I believe.

Q Well were there quite a number of people out searching for him? A Yes, sir.

Q Considerable excitement at that time? A Yes, sir.

Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.

Q Up until that time? A Yes, sir.

Q You say that was for about three weeks? A Yes, sir, something over three weeks.

Q From the 26th of February up until about the 20th of March? A Yes, sir.

Q Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.

Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.

Q What I wanted to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February?

A There was no search made for Mackey until he broke jail.

Q No houses searched, nor no wagon, nor no nothing when he was first captured? A He was in jail. I don't think it was much over half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shots that killed Hayford.

Q And you helped to arrest him? A Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.

Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.

Q You was a friend of his? A Yes, sir.

H. C. JONES, being first duly sworn, testified as follows:

**MR. HASTINGS:** What is your name? A H. C. Jones.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q What is your age, please sir? A 66.

Q Were you holding any office in the town of Fort Scott, Kansas, in December of '88? A I was.

Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.

Q What office was that? A City marshal, called town constable.

Q You was a city policeman? A Yes, sir.

Q Did you assist in his first arrest? A I did.

Q Who assisted you in that arrest? A Mr. Benjamin Files.

Q This man that's present here? A Yes, sir.

Q Did you hear the shots that killed Hayford? A I did.

Q How soon after Hayford was killed was Mackey arrested, Eli Mackey? A 30 or 35 minutes, inside of a half hour at most.

Q Very short time? A Yes, sir.

Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.

Q People didn't generally know it up to that time? A No, sir.

Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.

Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.

Q Well the Fort Scott Monitor puts it about February 26th? A I presume that that was right, it was correct. It was hard for me to remember exactly.

Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.

Q He make his escape then? A He made his escape, yes, sir, at the time.

Q You know how long he was at large? A Well I put it something like three weeks.

Q I will ask you if there was any searches at that time made for him? A You mean after?

Q When he got away after February 26? A Oh yes, sir, there was considerable hunt for him at that time.

Q Reward offered for him? A Yes, sir, reward offered.

Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.

Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.

Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

**COMMISSION:** You are positive about these dates? A To the best of my knowledge now, I would have put it; that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.

Q '87? A In '88 the killing was done.

Q Few days before Christmas of '88? A Yes, sir.

**MR. HASTINGS:** The Cherokee Nation asks that all of the testimony introduced in the case of Aaron Webber, D-816, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

**MR. HASTINGS:** Comes now the agent for the applicant and moves the commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, immaterial and not the best evidence, it being purely hearsay.

**COMMISSION:** The request of the representative of the Cherokee



Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-778 and in D-391, the same being the case at bar.

Arthur C. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur C. Croninger

Subscribed and sworn to before me this 14th day of May, 1902.

Philip J. Hunter

Notary Public.

*Enrolled*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al.,  
for enrollment as Cherokee Freedmen, consolidating the applica-  
tions of:-

Joe Ross,	Cherokee Freedmen D-350,
Calora Grayson, et al.,	Cherokee Freedmen D-496,
Aaron Webber,	Cherokee Freedmen D-316,
Elizabeth Neige,	Cherokee Freedmen D-361,
George Neige, Sr., et al.,	Cherokee Freedmen D-396,
John Neige,	Cherokee Freedmen D-496,
Flemings Neige,	Cherokee Freedmen D-396,
Irene Hanks, et al.,	Cherokee Freedmen D-401,
Hattie Carroll, et al.,	Cherokee Freedmen D-402,
Andrew Alberty, et al.,	Cherokee Freedmen D-404,
Harriet Webber et al.,	Cherokee Freedmen D-407,
Moses Webber,	Cherokee Freedmen D-406,
Wesley Webber,	Cherokee Freedmen D-409,
Edward H. Webber,	Cherokee Freedmen D-410,
Samuel Beck, et al.,	Cherokee Freedmen D-775,
Edward Derrick,	Cherokee Freedmen D-618,
John Wright,	Cherokee Freedmen D-634.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Joe Ross for himself; by Joe Ross for his sister, Calora Grayson and her minor grandchild, Gertrude Grayson; by Aaron Webber for himself; by Elizabeth Neige for herself; by George Neige, Sr., for himself, his wife Matilda Neige, and his minor son, George Neige, Jr., (the said Matilda Neige, being differently classified, is not embraced in this decision); by John Neige for himself; by Flemings Neige for himself; by Irene Hanks for herself and her minor son, George Hanks; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Fleming Hanks; by Hattie Carroll for herself, her sister, Katie Neige, and her brothers, Nathan and Henry T. Neige; by Elizabeth Alberty for herself, her husband Andrew Alberty, and her minor children, Hattie, Charity, Nellie, Ben and Nellie Alberty; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Ned Alberty; by Harriet Webber for herself and minor child, Willie H. Webber, and minor son, Willie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward H.

Webber for himself; by Samuel Beck for himself, his wife Mary, and his minor child, Luquittie Beck; by Edward Wright for himself; and by John Wright for himself.

On July 10, 1903, the Commission rendered its decision in this consolidated case, which was forwarded to the Department for its consideration, and on August 31, 1903, the Commission requested that the record relative to the application of Chlorea Grayson et al., party applicants in this consolidated case, be returned for reconsideration, and on Oct. 3, 1903, the Department complied with said request of the Commission and returned said record and decision. On June 17, 1904, further proceedings were had in the matter of the application for the enrollment of Chlorea Grayson, et al.

The record herein shows that on April 1, 1902, the Commission received a letter from the Applicant in Cherokee Freedmen D-404, heretofore listed for enrollment as Elizabeth Alberty, wherein she states that she desires to be enrolled as Lissie Alberty, and she will accordingly be considered in this decision under the last mentioned name. On June 8, 1904, the applicant in Cherokee Freedmen D 818, appeared before the Commission at Tahlequah, Indian Territory, and testified that his correct name was Edward Derrick, under which name he will be considered in this decision.

The evidence shows that Joe Ross, Chlorea Grayson, Aaron Webber, Elizabeth Weigs, Peter Weigs, now deceased, husband of Elizabeth Weigs, Sam Webber, Sr., George Weigs, Sr., Andrew Alberty, Samuel Beck and Edward Wright, were slaves of Cherokee citizens at the commencement of the rebellion, and that during said rebellion they left the Cherokee Nation; the said Joe Ross, Peter Weigs and Sam Webber, Sr. returned to the Cherokee Nation in the summer or fall of 1866 and located some claims upon the public domain of the Cherokee Nation; they then returned to the State of Kansas for their families, and removed with them to the Cherokee Nation during the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck, wife of Samuel Beck, are daughters of Peter and Elizabeth Weigs, and were born in the Cherokee Nation prior to their parents removal to the State of Kansas, and returned to the Cherokee Nation with them; George Weigs, Sr., another child of Peter and Elizabeth Weigs returned to the Cherokee Nation with his parents at the time above mentioned. Millie M. Webber, Moses Webber, Wesley Webber and Edward M. Webber are the minor children of Harriet Webber, and possess no rights to enrollment except through their said mother, their father, Ellis Webber, not having returned to the Cherokee Nation within the time necessary to acquire rights as a Cherokee Freedman. Mattie Webber, included in the application of Harriet Webber, et al., is a daughter of Wesley Webber, Cherokee Freedmen D-407, and one Missy Howe; it appears that the said Missy Howe was born since 1866, and is the daughter of one Jennie Howe, whose application for enrollment as a Cherokee Freedman was denied by this Commission, and which decision was approved by the Department on May 28, 1904. George Weigs, Jr. John Weigs, Fleming Weigs and Irene Hanks, are the children of George Weigs, Sr., and possess no rights to enrollment except through their said father, their mother, Lucinda Weigs, nee Towers, not being shown to possess any rights as a Cherokee Freedman; George Hanks and Fleming Hanks are the minor children of Irene Hanks, and possess no rights to enrollment as Cherokee Freedmen except through their said mother.

Hattie Carell, Katie Meigs, Nathan Meigs and Henry T. Meigs, have been born since 1866, and are the children of Simon Meigs and Fannie Meigs; the said Simon Meigs is the son of Peter and Elizabeth Meigs and returned to the Cherokee Nation with his parents the latter part of February or first of March, 1867; their mother, Fannie Meigs is not shown to possess any rights as a Cherokee Freedman, and in the absence of such showing it will be presumed that she possesses no such rights.

Andrew Alberty returned to the Cherokee Nation with his step-father, Peter Hudson, and the Commission have heretofore found, in the case of Peter Hudson, Cherokee Freedmen D-604, that the said Peter Hudson returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation, and his enrollment was approved by the Secretary of the Interior, April 29, 1904; his wife, Lizzie Alberty, is the daughter of Peter and Elizabeth Meigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, are their minor children, born since 1866.

Samuel Beck returned to the Cherokee Nation and established a residence therein within the time specified in the decree of the Court of Claims above referred to, and has since continuously resided in said Nation. The minor applicant, Luquittie Beck, is the child of said Samuel Beck, and has continuously resided with her father since birth.

Chlora Grayson returned to the Cherokee Nation at the time the Webbers returned with their families, which was too late to acquire any rights, under Article nine of the Cherokee treaty of 1866; her minor grandchild, Gertrude Grayson, for whom she makes application, is the daughter of Armstead Foster, who is identified on the 1860 authenticated Cherokee tribal roll.

Edward Derrick returned to the Cherokee Nation with his mother, Katie Whitmire, and his step-father, Nose Whitmire, at the time the Whitmires and Webbers brought their families to the Cherokee Nation, which, from the evidence, is shown to have been the latter part of February or the first of March, 1867; John Wright is a son of Edward Derrick, born since 1866, and takes the status of his said father.

Aaron Webber returned to the Cherokee Nation with his brother, Sam Webber, in the summer of 1866.

It appears that Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and that the applicants, Gertrude Grayson, Lizzie Alberty, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty and Ned Alberty, have resided continuously in the Cherokee Nation since birth. None of the other applicants herein nor any of their ancestors through whom they claim, can be identified upon the 1860 authenticated Cherokee tribal roll.



It is, therefore, the opinion of this Commission that Joe Moss, Gertrude Grayson, Aaron Webber, Andrew Alberty, Minnie Alberty, Mattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck and Lucretia Beck, should be enrolled as Cherokee Freedmen; and that the applications for the enrollment of Chloera Grayson, Elizabeth Meigs, George Meigs, Sr., George Meigs, Jr., John Meigs, Fleming Meigs, Irene Hanks, George Hanks, Plamon Hanks, Mattie Garrell, Katie Meigs, Edward Meigs, Henry T. Meigs, Harriet Webber, Millie E. Webber, Mattie Webber, Moses Webber, Wesley Webber, Edward E. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 25, 1906 (34 Stat., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Tama Blady.*

(SIGNED)

CHAIRMAN

(SIGNED)

*T. B. Needles.*

COMMISSIONER

(SIGNED)

*C. R. Breckinridge.*

COMMISSIONER

Noted at Muskogee, Indian Territory,

this APR 17 1905

F. D. 391.

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on .....

by delivering a true copy thereof on the  
..... day of ..... A. D. 190....

Given under my hand this.....  
day of ..... A. D. 190..

.....  
Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the

12 May of 1902  
*M. A. Smith*  
Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } S. S.  
NORTHERN DISTRICT.

I do solemnly swear that I delivered a  
true copy of the within notice to .....

on the ..... day of ..... A. D. 190....

Subscribed and sworn to before me  
this .....

.....  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
MAY 1902

*[Signature]*  
ACTING-CHAIRMAN.



## NOTICE!

IN THE MATTER OF the application of Elizabeth Meigs.  
for enrollment as Cherokee Freedmen:

Case No. F. D. 391

To Elizabeth Meigs or Mellette & Smith her attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on Mar 13th, 1902. at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Mar 9, 1902.

*L B Bell*

*N. M. Hastings  
Jas. Davenport*

Attorneys for the Cherokee Nation.

No. 2. 301.

UNITED STATES OF AMERICA, } ss.  
INDIAN TERRITORY,  
NORTHERN DISTRICT,

I do solemnly swear that I delivered a true copy  
of the within notice to.....

§ 101  
on the ..... day of MAY A. D. 190.....  
23 1902

Subscribed and sworn to before me this.....

Notary Public,

I, the undersigned attorney for the within named  
applicant, hereby accept service of the within notice  
on this the ..... day of ..... 190.....

Attorney for Applicant.

I, the undersigned agent for the within named  
applicant, hereby accept service of the within notice

on the 24 day of May 190.....  
James G. Brown  
Agent for Applicant.

FILED  
MAY 23 1902

MAY 23 1902

RECEIVED

## NOTICE.

In the Matter of the application of  
for enrollment as Cherokee citizens:

**Elizabeth Neigs,**

To **Elizabeth Neigs of L. T. Brown Agent.**

**Muskogee, I. T.**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on **May 27th 1902**, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this **MAY 23 1902**

No. ....

*W. W. Hastings*

*Jess Davenport*

*L. B. Bell*

Attorneys for the Cherokee Nation.

COPY!

Washington, Indian Territory, July 12, 1903.

T. V. Hastings,

Attorney for Cherokee Nation,

Cherokee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Joe Ross, et al., granting the applications for the enrollment of Aaron Vetter, Joe Ross, Elizabeth Neigt, Andrew, Emily, Mattie, Charity, Nellie, Sam, Willie and Ned Alberry, Mary Viott, Willie H., Emma, Wesley and Edward H. Vetter, Mary and Josephine Ross, Edward Wright and John Wright, and rejecting the applications for the enrollment of George Neigt, Sr., George Neigt, Jr., John and Manning Neigt, Mattie Carroll, Katie, Nathan and Mary E. Neigt, Irene, George and Elmer Neigt, Clara and Gertrude Grayson, Mattie Vetter and Samuel Ross, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. 2-02.

COPY

Muskogee, Indian Territory,

Elizabeth Keigs,

Centralia, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary

will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

Enc. B-104

Register.



COPY

Cherokee Freedmen  
D-350 et al.

Muskogee, Indian Territory, August 14, 1908

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Joe Ross et al., including the Commission's decision dated July 10, 1908, granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Maize, Andrew, Lizzie, Mattie, Charity, Nellie, Ben, Dolly and Ned Alberty, Harriett and Millie E. Webber, Moses, Wesley and Edward E. Webber, Mary and Lucretia Beck and Edward and John Wright, and rejecting the applications for the enrollment of George Maize, Sr., George Maize, Jr., John and Fleming Maize, Mattie Carroll, Katie, Nathan and Henry T. Maize, Emma, George and Flossie Maize, Chloera and Gertrude Guyson, Mattie Webber and Samuel Beck, as Cherokee Freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

At the request of the attorney for the Nation there are also enclosed two copies of his general brief in the Cherokee Freed-

and enrollment, which he desires to have considered in connection  
with these cases.

Respectfully,

*T. B. Needles.*

Commissioner in Charge

Through the  
Commissioner of Indian Affairs.

Very truly,  
T. B. Needles

COPY

Charles T. Davis  
Assistant Secretary  
3

Washington, Indian Territory, August 17, 1904.

Louis T. Brown,

Agent for Mary Look at All,

Winita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 23, 1903, in the consolidated case of the land of the applicants, among others, the applications for the enrollment of Mary and Elizabeth Look, Harriett and Nellie M. Brown, Elizabeth Brown, Andrew, Elmer, Mattie, Charity, Nellie, Sam, Nellie and Sam Liberty, and rejecting the applications for the enrollment of Samuel Look, Nellie Brown, Mattie Brown, Elmer, William and Henry T. Brown, Frank, George and Elmer Brown, William and John Brown, George Brown Sr. and George Brown Jr. of Cherokee County. The same information has been furnished with a copy of the report of proceedings.

And we hereby advise that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record or proceedings in  
the case, has this day been transmitted to the Secretary of the  
Interior for his review and decision. The action of the Secretary  
will be made known to you as soon as the Commission is informed of  
the same.

Respectfully,

E. S. Needles,

Commissioner in Charge.

Enc. D-22

Register.



DEPARTMENT OF THE INTERIOR, A.S.T.  
OFFICE OF INDIAN AFFAIRS,  
Washington, Oct. 2, 1903.

To the Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

In accordance with the request contained in your report of August 31, 1903, the record relative to the application of Clara Grayson, et al., parties applicants to the Joe Howe, et al. case, is returned. There is also enclosed the affidavit of Samuel Beck, a party to the case, which was filed in this office by Chester Howe, Esq., of this city, who requested that action be suspended on the case for a reasonable time in order that Samuel Beck might secure further and additional proof in relation to his right to enrollment. Mr. Howe has been advised of this action.

Very respectfully,

(Signed) W. A. Jones,  
Commissioner.  
A.S.T.

A.S.T.-L.C.

(COPY)

COPY.

Centralia, Ind. Ter.

Oct the 8, 1903.

The Honorable,

The Secretary of the Interior,

Washington, D. C.

Sir:

You will please permit William Henry White, Esq., to examine the record in the matter of the application of myself for enrollment as a Cherokee citizen and to make such memorandum, extracts and copies therefrom as he shall see fit.

Very respectfully,

(Signed) Elizabeth Meiggs

Witness:

(Signed) George Meigs his x mark

(Signed) Andy Webber



(COPY)

COPY.

Harry G. Kimball,  
William Henry White.

Kimball & White,  
Attorneys at Law,  
Columbian Building, 416 5th St., N.W.,  
Washington, D. C.

November 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In compliance with the Department's request of November 5, 1903, you will please enter my appearance in the case of Elizabeth and George Meiggs for enrollment as Cherokee Freedmen. I enclose herewith authorization signed by the above named applicants.

Very respectfully,

1 Enc.

(Signed) Wm. Henry White

COPY:

(COPY)

Refer in reply to  
the following:  
Land.  
76,144-1903.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington,

CFL

Dec. 5, 1903.

The Commission

to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to office letter of October 3, 1903, returning to you, at your request, the record relative to the application of Joe Ross, et al., for enrollment as Cherokees, there is enclosed, herewith, a communication from William H. White, of this city, dated November 14, 1903, requesting that his appearance be entered in the Cherokee freedman case of Elizabeth and George Meiggs, which said communication was received in this office with Department letter of November 23.

The records of this office show that George and Elizabeth Meiggs are parties applicant to the Joe Ross, et al., case, and you are requested to make the communication mentioned a part of the record in that case.

Very respectfully,

(Signed) W S Jones

(G.A.W.) P.

Commissioner.

ACT

COPY

Cherokee Freedmen

D-561-394.

Muskogee, Indian Territory, April 17, 1905.

Kimball & White,

Attorneys for Elizabeth Meigs, et al.,

Columbian Building,

415 Fifth Street, N. W.,

Washington, D. C.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1905, rejecting, among others, the applications for the enrollment of Elizabeth, George Sr. and George Meigs Jr., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 3-42  
Register.

SIGNED

Tams Birby,  
Chairman.

COPY.

Cherokee Freedmen

D-487, et al.

Washago, Indian Territory, April 17, 1908.

Louis T. Brown,

Attorney for Harriet Webber, et al.,

Washago, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1908, rejecting, among others, the applications for the enrollment of Harriet, Millie M. and Mattie Webber, Mattie Carroll, Katie, Nathan, Henry T., Flemings, John, Elizabeth, George Sr. and George Neige Jr., Irene, George and Florence Hawks, and granting, among others, the application for the enrollment of Andrew, Lizzie, Mattie, Charity, Nellie, Ben, Bellie and Ned Alberty, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). *Tames Dixby*  
Chairman.

Incl. D-41  
Register.

COPY.

Cherokee Freedmen  
D-350, et al.

Muskogee, Indian Territory, April 17, 1906.

Ball, Hastings & Davenport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1906, granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Mattie, Charity, Mollie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Chlores Grayson, Elizabeth, George Sr., George Jr., John and Flemings Neigs, Irene, George and Flemen Hanks, Mattie Carrell, Katie, Nathan and Henry T. Neigs, Harriet, Millie M., Mattie, Moses, Wesley and Edward W. Webber, Mary Beck, Edward Derrish and John Wright, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 9-51.

(SIGNED) *James Birby*  
Chairman.

COPY.

Cherokee Freedmen  
No. 380, et al.

Muskogee, Indian Territory, April 17, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Joe Ross, et al., as Cherokee freedmen, including the Commission's decision dated April 17, 1908, granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Mattie, Charity, Nellie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Calera Grayson, Elizabeth, George Sr., George Jr., John and Fanninge Neigs, Irene, George and Florence Hanks, Mattie Carroll, Katie, Nathan and Henry T. Neigs, Harriet, Willie M., Mattie, Neiges, Wesley and Edward F. Webber, Mary Beck, Edward Berriek and John Wright, as Cherokee freedmen.

Respectfully,

(SIGNED)

Tame Bixby.

Chairman.

Encl. 5-64

Through the

Commissioner of Indian Affairs.



COPY.

Cherokee Freedmen

D-391.

Muskogee, Indian Territory, April 17, 1905.

Elisabeth Neige,

Centralia, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorneys Kimball & White, Washington, D. C., and Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-44,

Register.

SIGNED

*Tamie Blaby*  
Chairman

COPY.

Muskogee, Indian Territory, April 17, 1905

Commissioner of Indian Affairs,  
Washington, D. C.

Sir:

Referring to your letter of March 31, 1905 (Land 78900-1904), you are advised that the Commission's decision dated April 17, 1905, rejecting, among others, the application for the enrollment of Elizabeth Neige as a Cherokee Freedman, has this day been transmitted to the Department.

Respectfully,

(SIGNED) *Tams Bixby*  
Chairman.

C O P Y .

Land,  
30769-1905.  
43223-1905.  
44630-1905.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington.

June 10, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 17, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Joe Hess for himself, his sister, Chlera Grayson and her minor grand child, Gertrude Grayson; by Adren Webber for himself; by Elizabeth Weigs for herself; by George Weigs, Sr., for himself and his minor son, George Weigs, Jr.; by John Weigs for himself; by Flemings Weigs for himself; by Irene Hanks for herself and her minor children, George and Flenon Hanks; by Mattie Carroll for herself, her sister, Katie Weigs, and her brothers, Nathan and Henry T. Weigs; by Lizzie Alberty for herself, her husband, Andrew Alberty, and her minor children, Mattie, Charity, Melodie, Ben, Dollie and Ned Alberty; by Harriet Webber for herself, her minor child, Millie W. Webber, and her minor ward, Mattie Webber; by Moses Webber for himself; by Wesley Webber for himself; by Edward W. Webber for himself; by Samuel Beck for himself; his wife, Mary and his minor child, Luquittie Beck; by Edward Berriak for himself; and by John Wright for

himself.

April 17, 1906, the Commission decided favorably to Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Elsie, Hattie Charity, Nellie, Ben, Bellie and Ned Alberty, Samuel and Luquittie Beck and adversely to Chlora Grayson, Elizabeth, George Sr., George Jr., John and Fleming Heigs, Irene, George and Flenon Hooks, Hattie Carroll, Fattie, Nathan and Henry I. Heigs, Harriet, Millie M., Hattie, Moses, Wesley and Edward E. Webber, Mary Beck, Edward Derrick and John Wright.

The record shows that Joe Ross, Chlora Grayson, Aaron Webber, Elizabeth Heigs, Peter Heigs (deceased) husband of Elizabeth Heigs, Sam Webber Sr., George Heigs Sr., Andrew Alberty, Samuel Beck and Edward Derrick were slaves of Cherokee citizens at the beginning of the war of the rebellion, and that during the war they left the Cherokee Nation; that Joe Ross, Peter Heigs and Sam Webber Sr., returned to the Nation in the summer or fall of 1866 and located claim upon the public domain of the Cherokee Nation; that they then returned to Kansas for their families and removed with them to the Cherokee Nation in the latter part of February or first of March, 1867.

The applicants, Harriet Webber and Mary Beck (wife of Samuel Beck) are daughters of Peter and Elizabeth Heigs, were born in the Cherokee Nation prior to their parents' removal to Kansas, and returned to the Cherokee Nation with them; George Heigs Sr., another child, returned with them at the same time. Millie M., Moses, Wesley and Edward E. Webber are the minor children of Harriet Webber and possess no rights to

-4-

enrollment except through their mother, their father Ellis  
Webber, not having returned to the Cherokee Nation on or be-  
fore February 11, 1867. Mattie Webber is a daughter of Woe-  
ley Webber and one Missy Howe; Missy Howe was born since 1866  
and is the daughter of Jesse Howe, the rejection of whose  
claim was approved by the Department May 26, 1904. George Jr.,  
John and Fleming Weigs and Irene Hanks are the children of  
George Weigs, Sr., and possess no rights to enrollment ex-  
cept through their father, their mother, Lucinda Weigs, born  
Towers, not being shown to possess any rights as a Cherokee  
Freedman; George and Florence Hanks are the minor children of  
Irene Hanks and possess no rights to enrollment except through  
their mother. Mattie Carroll, Katie, Nathan and Henry T. Weigs  
were born since 1866 and are children of Simon and Fannie  
Weigs; Simon is the son of Peter and Elizabeth Weigs and re-  
turned to the Cherokee Nation with his parents. Fannie Weigs  
is not shown to possess any rights as a Cherokee Freedman.  
Andrew Alberty returned to the Cherokee Nation on or before  
February 11, 1867; his wife Lizzie Alberty, is the daughter  
of Peter and Elizabeth Weigs, and was born in the Cherokee  
Nation after the return of her parents thereto. The applicants,  
Mattie, Charity, Nellie, Ben, Del Rio and Ned Alberty are their  
minor children born since 1866. Samuel Beck returned to the  
Cherokee Nation and established a residence therein prior to  
February 11, 1867, and has since continuously resided therein.

2 4

The minor applicant Inquittie Book is the child of Samuel Book and has resided with her father since birth.

Chilera Grayson returned to the Cherokee Nation with the Webbers, subsequent to February 11, 1867; her minor grand child, Gertrude Grayson, is the daughter of Amstead Foster, who is identified on the 1860 authenticated Cherokee roll.

Edward Derrick returned to the Cherokee Nation the last of February or first of March, 1867; John Wright is his son born since 1866 and takes the status of his father.

Aaron Webber returned to the Cherokee Nation in the summer of 1866. Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and the applicants, Gertrude Grayson and Lizzie, Nattie, Charity, Nellie, Ben, Dollie and Ned Alberty have resided therein continuously since birth. None of the other applicants, nor any of their ancestors, through whom they claim, can be identified on the 1860 authenticated Cherokee roll.

There is also enclosed briefs in behalf of Edward Derrick and Mary Book which have received due consideration.

In view of the record the approval of the Commissioner's decision is recommended.

Very respectfully,

U. F. Larrabee  
Acting Commissioner.

U. M. M.  
W.



C O P Y.

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

I. I. D. 7132-1906.

2224-  
2700-

June 20, 1906.

L. R. S.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On April 17, 1906, the Commission to the Five Civilized Tribes transmitted for departmental consideration the record in the matter of the consolidated applications of Joe Ross, Chlorea Grayson et al., Aaron Webber, Elizabeth Weigs, George Weigs, Sr., et al., John Weigs, Flemings Weigs, Irene Hanks et al., Mattie Carroll et al., Andrew Alberty et al., Harriet Webber et al., Moses Webber, Wesley Webber, Edward N. Webber, Samuel Beck et al., Edward Derrick, and John Wright, for enrollment as Cherokee freedmen, together with its decision dated April 17, 1906. There was also transmitted a general brief and argument for these applicants, prepared by their attorneys, also an argument on behalf of Edward Derrick, prepared by his attorney.

On September 7, 1906, the attorneys for the applicants filed motions for review in the matter of the applications of Joe Ross et al., Mattie Carroll et al., Elizabeth Weigs, Elizabeth Weigs et al., George Weigs, Sr., et al., Edward N. Webber, Harriett Webber, Moses Webber, and Wesley Webber et al.

No proper reason appears for granting said motions for review and they are hereby denied.

Reporting June 19, 1905, the Indian Office recommends that the decision of the Commission to the Five Civilized Tribes in this consolidated case be approved. A copy of its letter is inclosed.

A careful consideration of the record, together with the arguments submitted, leads the Department to the opinion that the Commission's decision is correct. The applications for the enrollment of Joe Hess, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie Alberty, Mattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Dallis Alberty, Ned Alberty, Samuel Beck, and Luquittie Beck are hereby approved, and you will enroll them as Cherokee freedmen. The applications for the enrollment of Clara Grayson, Elizabeth Neigs, George Neigs, Sr., George Neigs, Jr., John Neigs, Fleming Neigs, Irene Hanks, George Hanks, Flenon Hanks, Mattie Carroll, Katie Neigs, Nathan Neigs, Henry T. Neigs, Harriett Webber, Millie M. Webber, Mattie Webber, Moses Webber, Wesley Webber, Edward H. Webber, Mary Beck, Edward Derrick, and John Wright as Cherokee freedmen are hereby denied.

Respectfully,

Jesse K. Wilson

Assistant Secretary.

1 inclosure.

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Clara Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-7  
MMP

Commissioner.

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Louis T. Brown,  
Attorney for Joe Ross, et al.,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. P-7  
KMP

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Blue & Bulger,  
Attorneys for Joe Ross, et al.,  
Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al. and rejecting the applications for the enrollment of Chlera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by you September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl.P-6  
MMP

Commissioner.

Cherokee freed-  
man D. 391

Muskogee, Indian Territory, July 6, 1906.

Elisabeth Meigs,  
Centralia, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by your attorneys September 7, 1905, for review of your case was denied by the Department on said date.

Respectfully,

Commissioner.

MMP



D.C. 55848-1906.

( COPY )

STARR & PATTEN,  
ATTORNEYS AT LAW,  
VINITA, I. T.

December 22nd 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes

Washington D C

Dear Sir:

Referring to the Cherokee Freedmen Enrollment cases of Emma Snaden et al and Chlera Grayson et al we beg to advise you that we have repeatedly reminded these applicants that they ought to file all of the affidavits they can secure in support of their motion for rehearing and in as much as they have given the matter no further attention the case might as well be forwarded for Departmental action as soon as your office is ready for it to go forward as we have nothing further to offer in support of this motion for rehearing.

Yours truly,

(Signed) Starr & Patten,

J.C.E.

Madge, Indian Territory, December 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed August 20, 1906, by Starr & Patten, attorneys for applicants, Viniga, Indian Territory, for a rehearing of the Cherokee Freedmen consolidated case of Joe Ross et. al. No. D. 336 et al., insofar as it rejects the applicant's Galena Grayson, et al. With their letter of October 10, 1906, said attorneys forwarded affidavits by Jack Vann and Stephen Little, which they requested be filed in support of their motion, and they also requested that they be allowed thirty days within which to file additional affidavits in support of their motion. Since that time they have filed no new affidavits. These attorneys represent practically all of the Cherokee Freedmen cases that are now pending, and they have filed a number of motions to review all reopen pending cases. They have also filed from time to time, affidavits and additional motions in support of their motions filed within the time limited by the Act of April 26, 1906. On December 21, 1906, said attorneys verbally advised the office that they had filed all of the papers they desire in connection with their motions.

Secretary-2

June 23, 1906 (I. T. D. 7532-2224-2900-1905), the Department affirmed the decision of the Commission to the Five Civilized Tribes favorable to a part of the applicants embraced in the Cherokee freedmen consolidated case of Joe Ross et al., and adverse to a part of the applicants therein. The motion referred to applies to applicants embraced in said case to whom the decision was adverse.

An examination of the original record in this case shows that the motion for a rehearing is without merit. The applicants in the case were represented in the hearing of the case by able attorneys, and a great mass of testimony was introduced in their behalf and on behalf of the Attorney for the Cherokee Nation. The motion is based upon the ground of newly discovered evidence, but there is no affidavit by any of the applicants showing that the evidence they now seek to introduce is newly discovered, or that with due diligence they could not have secured it when the case was heard before the commission. Both of the parties to the affidavits filed in support of the motion reside in the Cherokee Nation, and when the Commission was engaged in hearing Cherokee freedmen cases, they testified in a number of cases.

It is respectfully recommended that the motion for a rehearing be denied.

Secretary-3

There is enclosed a motion filed August 24, 1906, by Levely & Givens, Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in said case. The protest of the Attorney for the Cherokee Nation, filed September 26, 1906, against this motion is also enclosed. The applicant, Mary Beck, was born prior to the breaking out of the war of the rebellion, and in accordance with the provisions of the Act of Congress approved April 26, 1906 ( 34 Stat., 137), she can not claim a constructive residence in the Cherokee Nation on account of the return to the Cherokee Nation of her father, Peter Meigs. The record in this case, as well as the records in various other Cherokee freedmen cases, shows that the family of Peter Meigs, and also the families of the persons with whom Peter Meigs returned to the Cherokee Nation after the war of the Rebellion, did not return to the Cherokee Nation until subsequent to February 11, 1867.

It is recommended that this motion for review be denied.

There is also enclosed a motion for review of the Cherokee freedmen case of Edward Derrick, one of the applicants in said case. This motion was filed August 24, 1906, by Ray T. Osborne and W. J. Sullivan, attorneys for applicant. This motion

Secretary-4

has no merit, for the reason that it does not point out any  
erroneous construction of the law in the Department's decision.  
It is also respectfully recommended that this motion be denied.

Respectfully,

Through the

Commissioner of Indian Affairs.

Encl. B-9

Commissioner.

(MH)

Muskogee, Indian Territory, January 7, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to this office report of December 27, 1906, on a motion filed by Starr & Patten, attorneys for applicants, Vinita, Indian Territory, for a rehearing of the Cherokee freedmen cases of Chlora Grayson et al., and recommending that the motion be denied, there is enclosed a copy of a letter received from said attorneys, stating that they have been unable to secure affidavits in support of the motion and that the motion "might as well be forwarded for Departmental action as soon as your office is ready for it to go forward as we have nothing further to offer in support of this motion for rehearing."

Respectfully,

Encl. W-1.

S. W.

Commissioner.



Cherokee Freed.  
R 823.

Muskogee, Indian Territory, January 7, 1907.

Starr & Patten,

Attorneys at Law,

Vinita, Indian Territory.

Gentlemen:

Replying to your letter of December 22, 1906, you are advised that your motions for a rehearing of the Cherokee freedmen cases of Luella Snaden et al., and Chlora Grayson et al., were forwarded to the Department on December 27, 1906.

Respectfully,

S.W.

Commissioner.

(COPY)

Refer in reply to the following:

Lead.  
75-1907  
2937-1907  
J2241-1906

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

January 12, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith Report of the Commissioner to the Five Civilized Tribes, dated December 27, 1906, transmitting motion for a re-hearing in the Cherokee Freedman consolidated case of Joe Ross, et al., in so far as it affects the applicants, Chlera Grayson, et al.

This motion was filed with the Commissioner on August 20, 1906, by Starr and Patton, attorneys for the applicants, at Vinita, I. T. With their letter of October 10, 1906, the attorneys furnished the Commissioner affidavits by Buck Young and Stephen Little, in support of their motion.

On June 20, 1906 (I. T. R. 7522, 2231, 2202-2203), the Department affirmed the decision of the Commissioner favorable to a part of the applicants submitted in the Cherokee Freedman case Joe Ross, et al., and adverse to a part of them. The motion herein applies only to the applicants submitted in Departmental decision who were rejected thereby.

In connection herewith the attention of the Department is invited to a Report of Commissioner Kirby dated January 7, 1907, which is transmitted on this day in connection with the

Cherokee Freedman case of Chisra Grayson, et al., with which is enclosed copy of letter from Starr and Patten, attorneys for the applicants, dated December 23, 1906, saying that they have repeatedly called the attention of the applicants to the necessity of filing further affidavits in support of their motion for a re-hearing, and that they have given the matter no further attention. For this reason they say they have nothing further to offer in support of the motion.

The record in this case shows that the applicants were represented in the hearing by able attorneys and a great mass of testimony was introduced on their behalf and on behalf of the attorneys for the Cherokee Nation. The motion is based on the ground of newly discovered evidence, but in view of the letter from the attorneys for the applicants saying that no further affidavits will be filed in support of the motion, and of the further fact that it is not shown that with due diligence the evidence could not have been secured when the case was heard before the Commission, it is recommended that the motion for re-hearing be denied.

There is also enclosed a motion filed with the Commissioner to the Five Civilized Tribes, August 24, 1906, by Evelyn and Givens, of Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in the case of Joe Beck, et al. The protest of the attorney for the Cherokee Nation, filed with the Commissioner September 24, 1906, against this

motion, is also forwarded herewith.

The record herein shows that Mary Beck was born prior to the breaking out of the War of the Rebellion, and in accordance with the provisions of the Act of April 26, 1906 (34 Stat. L., 137), she cannot claim a constructive residence in the Cherokee Nation on account of the return thereto of her father, Peter Neigs.

The record further shows that the family of Peter Neigs, and also the families of persons with whom he returned to the Cherokee Nation after the war, did not return until subsequent to February 11, 1867. It is recommended that this motion for review be denied also.

Edward Derrick, one of the applicants in the case of Joe Ross, et al., by his attorneys, Roy T. Osburn and W. J. Sullivan, filed a motion for re-hearing with the Commissioner on August 24, 1906, which is enclosed.

As this motion fails to point out any erroneous construction of the law in the Department's decision, it is recommended that it be denied.

The record in the case is herewith enclosed.

Very respectfully,

G. F. Larrabee,  
Acting Commissioner.

AJV-D

JF Jr

(COPY)

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

I.T.D. 1565-1907  
D.C. 6292-1907.

January 29, 1907.

IAS  
LNS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On January 18, 1907 (Land 2937), the Indian Office transmitted your report dated December 27, 1906, submitting for departmental consideration a motion for rehearing filed in behalf of Chloa Grayson et al., a motion for review filed in behalf of Mary Beck, and a motion for review filed in behalf of Edward Derrick, the last two motions involving persons who are parties to the first motion.

The attorney for the Cherokee Nation files protests which apparently covers nearly all of the parties named in the motions. Argument is also submitted by the attorneys for Edward Derrick.

You recommend, for reasons set forth in your report, that all the motions be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department has considered these motions, together with the few supporting affidavits filed, the argument of attorneys on behalf of the applicants and the nation, and the original

record. In regard to the motion for rehearing, the affidavits submitted show no evidence not heretofore considered by the Department. The record is voluminous, and it would appear that in the five years elapsing since the filing of this application ample time has been given to permit the applicants, by the exercise of due diligence, to have secured the necessary evidence to establish their rights as Cherokee freedmen.

The motions for review point out no specific error; one alleges error in your decision, when in fact the decision in the case was made by the Commission to the Five Civilized Tribes.

The three motions transmitted are without merit. They are hereby denied.

The papers are returned for the files of the Indian Office.

Respectfully,

Thos Ryan  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc, and 28 to Ind. Of.



Cherokee F.  
R 823

Muskogee, Indian Territory, February 15, 1907.

Elizabeth Meigs,

Centralia, Indian Territory.

Dear Madam:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of yourself, et al., filed by Starr & Patten, Attorneys at Law, Vinita, Indian Territory, on August 20, 1906, was denied by the Secretary of the Interior, January 29, 1907.

Respectfully,

JMH

Commissioner.

Charles F.  
R 811.

Washoe, Indian Territory, February 15, 1907.

Starr & Patten,  
Attorneys for Chlera Grayson, et al.,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that a motion, filed by you August 20, 1906, for a rehearing of the Cherokee freedmen enrollment case of Chlera Grayson, et al., was denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. N-1  
JMH

Commissioner.

Cherokee F.  
R 811 et al.

Muskogee, Indian Territory, February 15, 1907.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of Chisora Grayson, et al., filed August 20, 1906, and motions for review of the Cherokee freedmen enrollment cases of Mary Beck and Edward Herrick, filed August 24, 1906, were denied by the Secretary of the Interior, January 29, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. H-12  
JMK

Commissioner.

13. 7-20-01  
DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
MAY 22 1901

*[Handwritten signature]*

ARTHUR CHARMAN



650391

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE CIVILIZED TRIBES.

**FILED**  
OCT 12 1901



ACTING CHAIRMAN.



COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. Ta. S. D. Oct 11, 01

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
Elizabeth McInnis for enrollment as  
Freemen of the Cherokee Nation.

No. C740 391

Louis J. Brown  
Agent for applicant

F. D. 391

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on

by delivering a true copy thereof on the  
day of A. D. 190

Given under my hand this  
day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant, hereby accept  
service of the within notice on this the  
day of , 190

Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } S. S.  
NORTHERN DISTRICT.

I do solemnly swear that I delivered a  
true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me  
this

Notary Public.

I, the undersigned, at for the  
within named applicant, hereby accept  
service of the within notice on this  
day of 190  
James Brown  
Agent for applicant.

FILED  
FEB 4 1900

ACTING CLERK

## NOTICE!

IN REPLY TO THE application of *Elizabeth Meyer*  
for enrollment as Cherokee Freedmen

Case No. F. D. 391

To *Elizabeth Meyer, Cherokee 25*

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of *Waukegan* Indian Territory, on *February 3<sup>rd</sup> 1902* or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this *28<sup>th</sup> day of January 1902*.

*L. B. Bell*  
*Jess. Davenport*  
*W. W. Hastings*

Attorneys for the Cherokee Nation.

# AFFIDAVIT

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT

In the matter of the application of Elizabeth Meigs  
for enrollment as a Cherokee Freedman.

No. F. D. 341

Henry Pack, of lawful age, being duly sworn on oath states that on the 20 day of September, A. D., 1901, he registered to Elizabeth Meigs whose postoffice is Centerville Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 20 day of September, 1901, he received the return card which is hereto attached, signed by the said Elizabeth Meigs, showing that he had received said notice.

Subscribed and sworn to before me on this the 20 day of Sept, A. D. 1901.

Henry Pack  
J. C. Starr  
Notary Public.

19

F. D. 391

**INDIAN TERRITORY,  
CHEROKEE NATION.**

I hereby certify that I served the with-  
in notice on

by delivering a true copy thereof on the  
day of                      A. D. 1901.

Given under my hand this  
day                      A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the  
..... day of                      , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,                      } s. s.  
NORTHERN DISTRICT.

I do solemnly swear that I delivered a  
copy of the within notice to


on the.....day of                      A.D.1901

Subscribed and sworn to before me  
this.....day of                      A.D.1901.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
**SEP 21 1901**



ACTING CHAIRMAN.

SEP 12 1901

# NOTICE

IN THE MATTER OF The application of  
for enrollment as a Cherokee Freedman:

*Elizabeth Mcigs*

Case No. F. D. *391*

To *Elizabeth Mcigs Centralia,*

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of **Fort Gibson, I. T.** Indian Territory, on the following dates, to-wit: *Sept 20th*, A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this *12th* day of *Sept*, 1901.

*W. W. Hastings*  
*J. S. Davenport*  
Attorneys for the Cherokee Nation.



Cher Dr. No. R. 823

32

IN RE  
THE DEATH OF

Elizabeth Mung

a citizen of the

Cherokee

Nation.

Approved OCT 1 190

H. M. P.

Commissioner.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

COMMISSIONER

DEPARTMENT OF THE INTERIOR,  
COMMISSION<sup>er</sup> TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *Elizabeth Meigs*  
(Here insert name of deceased.)  
a citizen of the *Freedman of the Cherokee* Nation, who formerly resided at or near  
*Centralia* (Here insert name of postoffice.) Ind. Ter., and died *about 28th* day of  
*April* *1905*

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
*Western* DISTRICT.  
I, *R. M. Sanders*, on oath state that I am *55*  
years of age and a citizen, by *Centralia* of the *United States* Nation;  
that my postoffice address is *Centralia* Ind. Ter.; that I am  
*Son in Law* of *Elizabeth Meigs*  
(State relationship: as the father; an uncle; a cousin, etc.) (Here insert name of deceased.)  
who was a citizen, by *Freedman* of the *Cherokee* Nation  
and that said *Elizabeth Meigs* died *about 28th* day of  
*April* *1905*  
WITNESSES TO MARK: *R M Sanders*  
*J. Boone*  
(Must Be Two Witnesses)

Subscribed and sworn to before me this *17* day of *October* 190*6*  
*John E. Tidwell*  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
*Western* DISTRICT.  
I, *Hattie Carroll*, on oath state that I am *25*  
years of age, and a citizen by *Freedman* of the *Cherokee* Nation;  
that my postoffice address is *Centralia* Ind. Ter.;  
(Here insert name of postoffice.)  
that I was personally acquainted with *Elizabeth Meigs*  
(Here insert name of deceased.)  
who was a citizen, by *Freedman* of the *Cherokee* Nation;  
and that said *Elizabeth Meigs* died *about 28* day of  
*April* *1905*  
WITNESSES TO MARK: *Hattie Carroll*  
*J. Boone*  
(Must Be Two Witnesses)

Subscribed and sworn to before me this *17* day of *October* 190*6*  
*John E. Tidwell*  
Notary Public.

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Elizabeth Hays,  
Centerville, I. T.  
Cherokee F-3-351.  
Register.

TAMS BIXBY,  
T. B. NEEDLES,  
C. R. BRECKINRIDGE,  
Commissioners.

Cher. Fr. R. 824

Trans. from C. Fr. D. 401

Cher. Fr. R. 824

File with CTD- 401, Irene Hanks, et al.

REJECTED, as to wife, Matilda.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Vinita, I. T., May 22d, 1901.

In the matter of the application of George Neigs, Sr., for the enrollment of himself, wife and child as Cherokee Freedmen; said Neigs being sworn and examined by Commissioner C. R. Brockinridge, testified as follows:

- Q Give me your name. A George Neigs.  
Q How old are you? A I could not tell you.  
Q Well as near as you can come? A Well I guess I must be about 60 I guess.  
Q What is your post office? A Winita I believe.  
Q In what district do you live? A Cooweescoowee.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Do you want to apply for anybody besides yourself? A Well, I guess I do, I have got a wife and two children that is under age yet.  
Q You apply then for yourself, your wife and two minor children?  
A Yes, sir.  
Q Are those children both unmarried? A One of them is.  
Q And one of them is married? A Yes, sir.  
Q That brings you down to one child you can apply for? A Yes, sir.  
Q Is that child living now? A Yes, sir.  
Q How long have you lived in the Cherokee Nation? A Why, ever since '65.  
Q Did you live in the Cherokee Nation before that? A Yes, sir.  
Q Did you live in the Cherokee Nation at the time of the war?  
A Yes, sir.  
Q Where were you born? A Born in the Cherokee Nation.  
Q Have you lived in the Cherokee Nation all your life except a little while about the time of the war? A Yes, sir.  
Q Were you always in the Cherokee Nation at the time the war broke out? A Yes, sir.  
Q To whom did you belong? A Robin Daniel and Lila Daniel.  
Q Were they recognized citizens of the Cherokee Nation? A Yes, sir.  
Q Give me the name of your father? A Peter Neigs.  
Q Is he dead? A Yes, sir.  
Q How long has he been dead? A I could not tell you.  
Q Give me the name of your mother? A Elizabeth Neigs.  
Q She is alive isn't she? A Yes, sir, she was enrolled just now.  
Q ~~Her name was Ward wasn't it?~~ Give me the name of your wife?  
A Matilda Ward.  
Q Her name was Ward was it, Neigs now? A Yes, sir.  
Q How old is your wife? A I could not hardly tell you.  
Q Well as near as you can come. A I got a paper here.  
Q This paper says that your wife was 22 years old in '99, she is about 24 years old now, is that about right? A I guess it is.  
Q You say your wife's name is Matilda? A Yes, sir.  
Q It is not Matilda? A No, sir, Matilda.  
Q When were you and your wife married, in '99? A I guess it was  
has been.  
Q Is this the certificate and license of your marriage? A Yes, sir.  
C. R. Brockinridge: The applicant presents a license issued by the Clerk of the United States Court, Northern District, Indian Territory, on June 30th, 1899, authorizing marriage between himself and his wife, as stated by him. The certificate shows that they were united in marriage on the 31st of July, of the same year, by the Rev. Shelton D. Brown. This is filed herewith.  
Q Does your wife claim to be a Cherokee Freedman of her own right?

George Meigs Sr., et al 2.

- A Her father was Cherokee raised and his owners was George Ward.
- Q And what about her mother? A Well her mother wasn't.
- Q She was an outsider? A Yes, sir, I guess she was.
- Q As far as you know? A Yes, sir.
- Q Give me the name of your wife's father? A Josh Ward.
- Q Is he dead? A No, sir.
- Q Give me the name of your wife's mother? A Madeline Ward.
- Q Is she dead? A No, sir.
- Q And have her father and mother applied for enrollment?
- A No, sir, not yet.
- Q Now, Josh Ward you think may be a Cherokee Freedman of his own right? A Yes, sir, I know he is.
- Q How old is Josh Ward? A I could not tell you.
- Q Is he as old a man as you? A Yes, sir, he is.
- Q Is he as old as you? A Yes, sir, he may be a little older.
- Q How about Josh's wife, Madeline? A I could not tell you that.
- Q She is a good deal younger than you isn't she? A I don't know.
- Q Is she a woman of 45 or about there? A I expect she is.
- Q Do you know anything about the marriage of Josh Ward to his wife Madeline? A No, sir, I don't.
- Q How long has your wife lived in the Cherokee Nation? A I could not tell you that.
- Q Give me the name of this child for whom you apply? A George Meigs.
- Q Is that a child of this marriage? A No, sir.
- Q Child of a former marriage? A Yes, sir.
- Q How old is this child? A I guess he must be about 19 years old.
- Q Give me the name of the mother of this child? A Ginda Meigs, she was then; before I married her she was Ginda Towere.
- Q Is she dead? A No, sir.
- Q When did you marry her? A I could not tell you that directly, after we came to Big Creek.
- Q Pretty soon after the war? A I must not know, sir, pretty soon after we came down here, about a year or two I think.
- Q About how long did you and she live together, or about when did you separate? A Well, we lived together a good while, well we got five children.
- Q Well how long since you and she separated? A I could not tell you that.
- Q Well, I must find out something from you. (No response.)
- Q How long after this child George was born, don't you remember how old he was, or how big he was? A He must have been, let me see, he must have been about seven or eight years old when we and her parted. I am just guessing at that now.
- Q Well, you have been parted something like ten or twelve years, some thing like that? A Yes, sir.
- Q Is that far from it? A Well, that's it, I think he was just about eight or nine years old when we and her parted.
- Q That child is named after you? A Yes, sir.
- Q Well we will call him George Meigs, Jr., if you have no objection.
- A We call him Georgie.
- Q We will call you Sr. if you have no objection? A Well, sir.
- Q Where is your wife, Ginda, living now? A Over here on Big Creek.
- Q Did you have a divorce from her? A No, sir, nothing more than an agreement that we wasn't no more man and wife.
- Q Were you ever married before you married this wife Ginda? A No, sir.
- Q Was she ever married before she married you? A No, sir.
- Q How about this present wife, Madeline, was she ever married before she married you? A No, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation standing and names of applicant and his wife not found thereon.

The 1880 Census Roll of Freedmen of the Cherokee Nation examined and names of applicant's not found thereon.



George Meigs Sr et al 3

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's former wife not found thereon. The Varns-Clifton Roll of Freedmen of the Cherokee Nation examined and applicants' names found thereon as follows:  
Page 126, #3199, George Meigs, Coowasecooche District.  
(Name of applicant's wife not found thereon.)

Page 128, #3193, Georgia Meigs, Coowasecooche District.

The Wallace roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 127, #2666, George Meigs, Coowasecooche District.

The name of applicant's wife not found on the Wallace Roll.

BY W.W.HASTINGS, Cherokee Representative:

Q What was your oldest child's name by your first wife? A John Meigs.

Q Is John alive? A Yes, sir.

Q How old is John? A Well, I could not brdly tell you I had his ages all down, but they ought to know.

Q That is the oldest child? A Yes, sir.

Q Is John here? A Yes, that's him sitting right there.

JOHN MEIGS, being sworn and examined by Commissioner

C.R. Beckinridge, testified as follows:

Q Give your name? A John Meigs.

Q How old are you? A 27.

Q What is your post-office? A Wimer.

Q Are you a son of this applicant here, George Meigs? A Yes, sir.

GEORGE MEIGS, SR., the Applicant, re-called:

BY W.W.HASTINGS:

Q What was John Meigs' mother? A Lucinda.

Q Married in r on Big Creek? A Yes, sir.

Q And you married her about a year after you came there? A Yes, sir, I guess it was about that, two or three years, something like that.

Q Short time after you came back? A Yes, sir.

Q And this is your oldest child? A Yes, sir, and there is my next oldest one sitting there.

Q Did you come back with your father and mother? A Yes, sir.

Q What time of the year was it you came back? A Came when they come.

Q What time of the year? A I don't know.

Q Was it February? A Yes, sir, I came right along with them and been here ever since, raised up my family.

Q You don't know what time of the year it was? A No, sir.

Q Was it the February at the time Dan Sanders testified that you come? A Yes, sir.

Q You were not married then? A No, sir, I was with my father.

Q You were grown? A Yes, sir, but I was staying right with him.

Q 24 or 25 years of age? A Yes, I was with him, but of course we always was poor and had nothing and stayed with him until I got a little start.

Q You came in a wagon? A Yes, sir.

Q Did you build a house after you got here? A Yes, he lived in was built when he come.

Q He bought the house when he come here? A The house that was here before built the house, he made a trip and bought this house from this man and said this was too far from him, wasn't anything to eat out there.

Q You didn't come with your father on his first trip? A No, sir.

Q You come when he came the last time to stay? A Yes, sir.

Q That is a fact is it? A Yes, sir, that's a fact.

Q Snow on the ground? A Yes, sir.

Q How long after Christmas was that? A I could not tell you I never paid any attention to that.

George Waige Sr., et al 4.

Q You only know that you came with your father here to start? A Yes, sir.

Q You never went back to Kansas after that? A I went once.

Q How long did you remain? A I started from home on Friday and got up there on Sunday and started back Tuesday.

Q How long was that after you came down there? A I think it was in June.

Q The following summer? A Yes, sir, we run out of grub, I didn't have anything to eat.

Q Do you know the month you come down here first? A No, sir, and I would not undertake to tell you that; what I know that is what I like to tell.

BY COM'R BRACKINRIDGE:

Q How long after you married your wife, Ginda, before this boy John was born? A I don't know, some two or three years I guess.

Q Didn't have any child for two or three years? A No, sir, I don't think I did.

Q And how long did you say you had been in the Cherokee Nation before you married? A Must have been some two or three years, I didn't keep any account.

Q You had made several crops had you? A Yes, sir.

COM'R BRACKINRIDGE: The applicant applies for the enrollment of himself and one minor child; the applicant states that he has lived in the Cherokee Nation all his life except his absence during the war and a short time thereafter when he was in the State of Kansas. He is identified on the Wallace roll and the Kerns-Clifton roll, but not upon the roll of 1880 or upon that of 1896. For further testimony in regard to the time when he returned to the Cherokee Nation from the State of Kansas, reference is made to the case of his mother, Elizabeth Waige, which has been taken in the course of this afternoon, and a copy of the testimony in her case will be filed in this case. The applicant is now some thing like 60 years of age, and his testimony is that he came down to the Cherokee Nation for the first time after the war when his father moved the family down in the winter as he claims of 1866. Much of his testimony shows that it was in the February following the August of 1866. Attention will also be directed to the probable application made by this family to the Cherokee Citizenship of Supreme Court at sometime prior to the Wallace Court, of the Cherokee Nation in the matter affecting their status as Cherokee Freedmen. The applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card for the further consideration of his case.

His child, George Waige, Jr., is identified on the Kerns-Clifton roll. This child's mother is shown to have been lawfully married to the applicant soon after the close of the Civil War. She is not identified on any roll and it does not appear that the child derives any right through its mother. It is a minor and still living, and this child will now be listed for enrollment as a Cherokee Freedman on a doubtful card to await the determination of his status through his father.

As for the applicant's present wife, Mattie Waige, she is shown to have married him in July, 1899. The license and certificate relating thereto are filed herewith. The applicant's wife is 24 years of age; she is not identified upon any roll in the possession of the Commission; neither is her father or her mother, both of whom are said to be alive, identified upon any roll in the possession of the Cherokee Nation and all of them have been searched. It further appears that the applicant never procured a judicial divorce from his first wife from whom he has been parted something

George Keigo Sr et al &

like ten years. Therefore, the applicant's present wife having no status apparently of her own and having married too late to have acquired the right of enrollment by intermarriage, and her husband never having procured a judicial divorce from his first wife, is considered to have no right to enrollment at this time and the application for her enrollment is rejected.

---00000000---

J.C. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete ~~copy~~ transcript of his stenographic notes thereof.

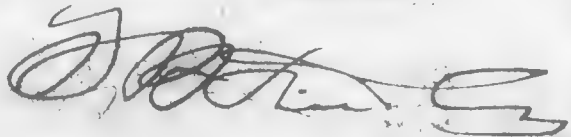
Subscribed and sworn to before me this 28th day of May, 1901.  
(signed) J.C. Rosson.  
(signed) C.R. Brockinridge,  
Commissioner.

-----000000-----

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he

copied the foregoing and that same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this September 7th, 1901,



Commissioner.

File with Cherokee Freedman, V 401 *James Hanks*

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., May 22<sup>d</sup> 1901.

In the matter of the application of Elizabeth Neige for enrollment as a Cherokee Freedman; she being sworn by Commissioner C.R. Brackinridge, testified as follows:

- Q What is your name? A Elizabeth Neige.  
Q How old are you? A I don't know my age.  
Q About how old are you? A I was four years old when we came here with the old settlers.  
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.  
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.  
Q What is your post office? A Centralia.  
Q In what district do you live? A Coowasecoochee.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.  
Q Who do you want to have enrolled besides yourself? A My children.  
Q Have you any children under twenty-one years old? A No sir.  
Q They will have to apply for themselves then? A (No response)  
Q Have you a husband? A No sir he is dead.  
Q Then you only apply for yourself? A Yes sir.  
Q Have you lived here ever since you were with the Cherokees in 1837? A Yes sir.  
Q How long have you been called Neige? A Ever since I was nothing but a girl.  
Q Were you married to a man named Neige? A Peter Neige.  
Q Is he dead? A Yes sir, five years ago in September.  
Q Was he a Cherokee Freedman? A Yes sir.  
Q Were you a slave in the Cherokee Nat. or before the war? A Yes sir.  
Q To whom did you belong? A Reuben Daniel.  
The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.  
Q Are any of your family on that roll that you know of? A Yes, sir, Alice Sanders is on it, she is a daughter of mine, Alice is.  
The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:  
Page 125, No. 2823, Alice Sanders, Coowasecoochee district.  
The 1886 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.  
Q Did you draw your Cherokee strip money? A Yes sir.  
The Karna-Ollison roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:  
Page 190 No. 2812, Eliza Neige, Coowasecoochee district.  
Q Did you ever go by the name of Daniel? A Yes sir that was my name.  
The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:  
Page 122, No. 40, Elizabeth Daniel.  
Notes wife of Peter Neige.  
The 1890 roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:  
Page 131, No. 2748, Elizabeth Neige, Coowasecoochee district.  
Q Where were you during the civil war did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.  
Q How did you come back? A In the winter of '65.



- Q What time in the winter? A Well it was in the winter.
- Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
- Q When did he bring you down? A In the winter after he went from here on Big Creek.
- Q He came ahead of you then? A Yes sir.
- Q What time did he leave Kansas? A I cannot tell you when he first came.
- Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '69.
- Q Did he leave Kansas in the winter? A Yes sir.
- Q Was he down here when Christmas came? A Yes sir.
- Q Do you know how long it was before Christmas before he started to come here first? A No sir I don't.
- Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
- Q How long after Christmas before you and he started down here together? A Directly after.
- Q He spent Christmas that year in the Cherokee Nation by himself?
- A Yes sir my husband did.
- Q What members of your family came down with you and your husband?
- A These children.
- Q Did you bring your child Alice Sanders with you? A Yes sir.
- Q All the children? A Yes sir.
- Q Can you explain why you are not on the roll of 1890? A No sir.
- Q Do you know why you are not on that roll? A No sir I don't know nothing about the rolls.
- by W. W. Hastings, Cherokee Representative:
- Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
- Q Where were you living in Kansas then? A Fort Scott.
- Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come down.
- Q Was it as much as a couple or three weeks? A Yes sir I guess so.
- Q And then you started down here? A Yes sir.
- Q Was it in the spring of the year when you reached here? A No sir in the winter.
- Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there wasn't no buds nor nothing on the trees, it was winter I tell you.
- Q You all came in wagons did you? A Yes sir.
- Q Who came with your husband down here when he first came? A Old man Mike Sanders.
- Q Who else? A Heuben Sanders.
- Q Who else? A Daniel Sanders.
- Q Anyone else that you remember? A There was little Sam Webber and old man Sam Webber.
- Q Any other Webber's? A Aaron Webber.
- Q Did anyone else come down? A I don't remember anyone else now.
- Q Were you there when they started town? A We all come together I am telling you.
- Q But I mean when your husband came on in advance of you, who came with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
- Q You were at Fort Scott then? A Yes sir.
- Q And they all started together? A Yes sir.
- Q These that you have named are all the you can think of at the present time? A Yes sir.
- Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.

- Q And after Christmas you all came down did you? A Yes sir.
- Q Did you come in wagons then? A Yes sir.
- Q Did you come by a little place called Chetopa? A Yes sir.
- Q Where did you come to in the Cherokee Nation? A I came right where I am living yet when I came to the Cherokee Nation.
- Q And you are living there yet? A Yes sir, that old house was built in '86.
- Q What house? A That one we is living in.
- Q And you are living at the same old place? A Yes sir, in the same old house.
- Q On what creek is that? A Big Creek.
- Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
- Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
- Q Did you see anyone from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
- Q Did these people who first came down with you husband return with him and then come down again when your family sail came after Christmas? A Yes sir.
- Q You all came back together? A Yes sir.
- Q Now Auntie, did any additional people - any other families come down with you? A I don't know who all come down, I am just telling you what I know.
- Q There was Daniel Sanders, and Thomas Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
- Q Did Aaron Webber come? A Yes sir.
- Q And your family? A Yes sir.
- Q Are there any that I missed? A That is all that I gave you.
- Q Is that all that came? A Aaron Wright came with us.
- Q Who else? A (No response)
- Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
- Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
- Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
- Q What? A Lanie Riley was there on Verdigris, but now where he was living.
- Q How far from where you settled? A I don't know how far.
- Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
- Q Were they the closest residents to you at that time? A Yes sir.
- Q Were there any Delaware Indians there when you came there? A No sir I never saw none.
- Q Any Osages? A No sir, never saw none.
- Q You didn't see anybody on Big Creek, neither white or back, except those that came with you? A That is all.
- Q And you have been there ever since? A Yes sir, ever since we moved there.
- Q You say your husband Peter Hight built a house there? A There is a log house there and he bought the house and he moved to it.
- Q Who built the house if you know? A Henry Harold.
- Q Was he a colored man? A Yes sir.
- Q Is he living? A I don't know if he is or not.
- Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
- Q They didn't admit him then did they? A I don't know sir.
- Q You know he was disputed? A I don't know nothing about it, I never paid any attention to any such things as that then.



By the Commission:

Q Were you ever admitted by the Cherokee or United States Court or Commission? A I don't understand what you say.

Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my son enrolled me before he died.

Q I mean in court? A That is what I am telling you.

Q You know what a court is don't you? A Yes sir.

Q What court do you know? A Some citizen court.

Q Any other court that you know of? A I know of the Wallace court.

Q Any others? A No sir.

Q Did he ever have anything done about your name by the Cherokee Council? A I don't know what was done, my son went there every year or two but I don't know what was done there.

Q How long did it take you and those people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.

Q Have you any witnesses with you that saw what he introduced?

A Yes sir.

HUBBARD SANDERS, called and sworn by Commissioner C. R. Breakinridge, testified as follows on the part of the applicant.

(Examined by the Commission)

Q What is your name? A Hubert Sanders.

Q How old are you? A I suppose I am about 50.

Q What is your postoffice? A Centralia.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.

Q Who did you belong to? A James Sanders.

Q Were you taken to Kansas during the war? A Yes sir.

Q You have a wife named Alice have you? A Yes sir.

Q How long have you and she been married? A About 35 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 173, No. 3357, Hubert Sanders, Commissioner's District.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.

Q What court? A The Cherokee Court.

Q Is that the only one? A Yes sir and is the only one I was admitted by the Cherokee Court.

Q Where was it sitting? A At Tallahassee.

Q In what year was that? A I can't tell what year it was.

Q Your citizenship had been disputed had it? A Yes sir.

Q When was your right to citizenship first disputed? A It was during the time that Thompson Oochelita was chief.

Q Was that before the 1880 roll was made? A Yes sir.

Q Did the Court decide in your favor? A Yes sir.

Q Was there any dispute made then about your being put on the 1880 roll? A No sir.

Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.

Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.

Q Where did they take your name? A I was in Cherokee land at the time.

Q Do you know the applicant Elizabeth Sanders? A Yes sir.

Q Your wife is her daughter? A Yes sir.

By W. B. Hastings:

Q Peter Sanders' citizenship was disputed the same time your was?

A Yes, sir.

Q Did he go before the court at the same time? A No sir, I think not.

Q His wife's Christian name was also Margaret? A I judge so.

Q Did she go down before that court? A Not to my knowledge.

Q Did he go down to subsequent to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.

Q Was Bob Daniels Chief Justice of that court? A Yes sir.

Q Just a few years after the war? A Yes sir.

Q Is "71" near it? A Yes sir.

Q Was any action taken in that court? A I don't know.

Q You were there yourself? A No sir.

Q You were about 15 or 16 years old when you came back? A Yes sir I guess so, I don't exactly know how old I was.

Q You were not married then? A No sir.

Q How long after you got back before you married? A Not very long after I got back.

Q Did you marry on your own town here? A No sir.

Q How long had you been here before you married? A I have been married twice.

Q How long had you been here before you married the first time? A Not very long.

Q As much as a year? A May be so.

Q Is that your best judgment? A My best judgment is perhaps that it was that long.

Q When were you married to your present wife? A Somewhere or 20 years, or so.

Q How long did you live with your first wife? A Not very long, she died.

Q A year? A Perhaps it was, maybe a little longer.

Q Then you married your present wife? A Yes sir.

Q When you came to the Cherokee Nation how did you come the first time? A In wagons.

Q The first time? A Yes sir.

Q Who came with you? A Several were in three teams. It is beyond my knowledge how many there were.

Q Tell all you can remember? A We made a trip in August and came in October and then we moved here in the winter.

Q Did you come in August? A Yes sir.

Q Who came with you then? A Some of this family, Peter Neigh and got his place, the heads of these families.

Q Who else came with you? A My brother Dan and the Whitesides.

Q Which ones? A Several.

Q Which ones? A Moses and Dennis, and the Webbers.

Q Name them? A Old man Sen and younger Sen and Little Aaron, and a man named Abe Truman, and Abe Hair, and I don't know who else, I don't know who all came.

Q Who came when you came in October? A I don't know who all came then, so a of that came over and some more came in October.

Q Do you remember any additional persons? A To the best of my knowledge the Smith family.

Q That was his first name? A His name was Smith.

Q You came in both of the detachments yourself? A No sir.

Q Which one did you come in? A I came in August.

Q You didn't come in October then? A Yes sir, I came when we first came, we brought some of our farming utensils when we came in August and left the on the creek.

Q On Big Creek? A Yes sir.

Q Where Mrs. Neigh lived? A Yes sir.

Q And you returned in October, how long did you stay in October?

A. We didn't all return in October, we didn't all go back, some staid in August, some staid and some came back, some of us brought our things with us and some came to look out houses, we all came with the intention of making our homes here.

Q. What did you afterwards move here the first time? I think the winter of '88 is when we came down here the first time.

Q. At what time in the winter? A. Long in January.

Q. You mean in '87? A. No in the winter of '88.

Q. Is you came here in the August and October of '88 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '89? I don't understand you; we came here in the winter of '88 is that I said, in January after we had first been here in August and October, we came right to where Mrs. Neils is living now.

By the Commissioner:

Q. You say you first came here in August of '88? A. Yes sir.

Q. What was your first coming was? A. Yes sir.

By Hastings:

Q. When you moved here permanently, tell all that you possibly can remember of who came with you in the January or February following?

A. This family is one, her, the Neils family, Peter Neils, Elizabeth Neils, Mary Neils, George Neils, Simon Neils, Harriett Neils, Perry Neils, that is all that I can remember of that family.

Q. I don't mean only of that family, there were other families were there not? A. Old man Billis Worman.

Q. Who else? A. He had several children.

Q. The heads of families I mean? A. I can't remember, I don't recall that all; I don't know as I can call the names of all of them.

Q. Were any of the women along? A. Yes sir.

Q. Old man Sam and young Sam? A. Yes sir, I would not pretend to call them all over as I had forgotten their surnames and as I can't remember for as I had forgotten them I don't think I can remember any of the others.

By the Commissioner:

Q. Did old man Sam Webster come? A. Yes sir.

Q. Did his son Sam come? A. Yes sir.

By W. E. Hastings:

Q. Don't you remember anyone else? A. Another Webster.

Q. Do you think of anyone else? A. No sir.

Q. You know that he was a heated question before the House Committee Commission as to when came at this time and as to when you came? I haven't been interested as to anyone except for myself.

Q. You know that there is a question about who came and you? I don't sir I guess I do.

Q. You say you came to Big Creek? A. Yes sir.

Q. Did you come by the way of Onondaga? A. Yes sir I guess that we did, I don't know that they called it Onondaga then, there was a house or so there.

Q. Did you cross the river there? A. That river.

Q. Webster? A. No sir.

Q. You didn't cross at the Millstream Ferry? A. No sir we crossed 20 or 30 miles from there.

Q. You came through what is Onondaga and came on west through the prairie? A. We say have.

Q. You were in wagons? A. Yes sir.

Q. Were there any persons living on any of that country from Onondaga west, out to Big Creek except your own people who had come in August or October before that? A. I have no knowledge of anyone living there before that.

Q. Were there any houses there except those that your people built? A. I don't know of any houses, but there were foundations for them at Big Creek.

Q. When the houses were not built before you moved there with your



families? A Yes sir some were, there were logs on some up 8 or 10 logs high.

Q Then there were none really completed until you moved there with your families? A No sir.

Q Did you make a crop there the first year that you moved there?

A Yes sir, as near as we could with our horse plows and hoes.

Q Do you know Jim Martin? A Yes sir.

Q How far does he live from you now? A 4, 5 or 6 miles.

Q Was he living there when you people moved there? A No sir.

Q He was a brother named William Martin? A Yes sir.

Q Was he living out there then? A No sir.

Q There was an old man by the name of Carter living out there then, wasn't there? A No sir. There was an old man named Carter living 30 miles perhaps from there quite a while after we came there.

Q Was his name Dick Carter? A I think it was.

Q You say he lived some 30 miles from there? A Yes sir 30 miles below, on the Verdigris river. He came some time after.

Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gilstrap ferry.

Q There was no fence made there when you passed through - no citizens had farms up there? A No sir none that I saw.

By the Court below:

Q You stated, I believe, that the first time that you came to the Cherokee Nation after the civil war closed was in August of '65?

A Yes sir.

Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.

Q You didn't bring your families with you then? A Only part of them and some things that we had.

Q Part came with their families and part came to inquire for their families? A Yes sir.

Q What men were with you on that first trip? A Only family, the Neige family, not all of them were there, but the old man Neige, Peter Neige.

Q You didn't bring your family with you at that time did you?

A No sir.

Q Did Peter Neige bring any family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q If so did you bring your family? A Our family came in October.

Q When did Peter Neige go back to Kansas? A I think with my father.

Q You came yourself in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Neige go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q Then you returned to the Cherokee Nation again in February?

A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your old family come with you? A No sir not all of them came in October.

Q Where was Peter Neige in October? A He came with us at each trip.

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October?

A Yes sir.

Q Did Peter Neige come back with you to the Cherokee Nation in October? A Yes sir.

Q That was the second time that Peter Neige was with you?

A Yes sir.

Q Where was Peter Neige in Christmas of '65, do you know? A No sir I don't exactly know where he was in Christmas of '65.

Q When Peter Neige got back to the Cherokee Nation with his family

did he settle in the Cherokee Nation near the present day? A Yes sir.  
 Q How far apart? A Five miles.  
 Q Did he ever go back to Kansas? A Yes sir. He made that  
 October trip with me. A Yes sir. He made that trip to get  
 Q You stated that he had been in the Cherokee Nation in February,  
 when did he go back after his family? A He came back to be brought  
 his family.  
 Q You stated that he came? A Yes sir.  
 Q When did you come? A In the winter.  
 Q Was it in February? A Yes sir. He came in December.  
 Q What about that February trip? A It was in the  
 winter some time. Now was on the trip.  
 Q Did your father come on that trip? A Yes sir.  
 Q Did your mother? A Yes sir.  
 Q Peter Keigh? A Yes sir.  
 Q His wife? A Yes sir.  
 Q That was your third trip? A Yes sir.  
 Q Was that your last trip? A Yes sir.  
 Q When did your wife Alice come? A Come then.  
 Q On that third trip? A Yes sir.  
 Q You say Peter Keigh made all three trips with you? A Yes sir.  
 Q Every time you came he came? A Yes sir.  
 Q Every time you went back to Kansas he went back? A Yes sir. That  
 is to the best of my knowledge.  
 Q Did he go there by himself? A Yes sir.  
 Q Do you remember distinctly that you came here to Kansas the first  
 time? A Yes sir.  
 Q Do you remember distinctly that Peter came with you in  
 and October? A Yes sir.  
 Q Do you remember distinctly that he came with his family when you  
 made your third and last trip? A Yes sir.  
 Q With his family? A Yes sir.

By Hon. B. McKinstry: The applicant stated that she was  
 a slave in the Cherokee Nation from the time the Cherokees  
 moved to the Indian Territory in 1837 until she was liberated  
 by the civil war. She is identified on the Kerns-Clifton roll  
 and on the Wallace roll, but not on the 1890 roll or upon the  
 roll of 1898. The testimony indicates that her husband first  
 returned to the Cherokee Nation after the war, coming from  
 Kansas in August of 1865, that he came at that time to prepare  
 for the bringing of his family back to the Cherokee Nation. He  
 is now deceased, but he and the applicant were married at that  
 time and had several children. The testimony further indicated  
 that the applicant's husband made a trip back to Kansas in  
 October, but not with a view of relinquishing his purpose to  
 bring his family to the Cherokee Nation, but apparently to get  
 provisions. It further appears that he returned to the Cherokee  
 Nation with his wife and children in the following month of  
 February. There is some conflict of testimony in regard to  
 this matter, but so far that is the weight of the testimony. It  
 also appears that proceedings may have been had by some Cherokee  
 court, either a citizenship court or the Cherokee Supreme Court,  
 prior to the date of the Cherokee Court, affecting the citizen-  
 ship of this applicant and her husband and all those who may  
 claim through them. It will be necessary to make further in-  
 quiry upon this point, and if possible to get an official copy  
 of the record. Under these conditions, the applicant will  
 not be listed for enrollment on a doubtful card and the final

decision of the Commission will be made known to her at her postoffice address.

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.  
Subscribed and sworn to before me this 22nd day of May, 1901, at  
Chelset, I.T.

Signed, T. S. Needles,  
Commissioner.

-----  
Supplemental:

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Winnipeg, I.T., May 22, 1901.

In the matter of the application of Elizabeth Weiss for enrollment as a Cherokee Freedman.

REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.

Q How old are you? A I am fully about 50 years.

Q You were last sworn just now in the case of Elizabeth Weiss?

A Yes sir.

Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867, when we made the last move, about the first of the month. It was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think. I wanted to say January.

Q How did you find out now it was January instead of February?

A It was just after Christmas that he was on the road coming down.

Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following - a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. V. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old, something in that line.

Q Where did you say that killing took place? A In Kansas.

Q Just about? A Yes sir.

Q And the man that was accused of the killing was named what?

A Named Mackey.

Q You remember his first name? A No.

Q You remember the man who was killed, you got his first name?

A No sir I do not.

Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No, I don't know nothing about that part of it.



Q You know what county St. Scott is in? A No sir.  
Q Who called your attention to this error? A I thought so myself;  
I called my own attention to it; I was studying over it; I did.  
Q You know now it was only a few days after Christmas? A Yes sir,  
a few days after Christmas.

Com'r Breckinridge: This statement will be filed as  
supplemental in the Elizabeth Meigs case, to be considered in  
connection with the former statement of the witness, and the  
other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he correctly recorded  
the testimony and proceedings in this case and that the foregoing is  
a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,

Subscribed and sworn to before me this May 23, 1901.

Signed, C. R. Breckinridge,

Commissioner.

Bruce C. Jones, being duly sworn, says that as stenographer to  
the Commission to the Five Civilized Tribes he copied the foregoing,  
and the same is a true and correct copy from the original.

*Bruce C. Jones*

Sworn to and subscribed before me this the 20th of August, 1901.

*[Signature]*

Commissioner

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., Jan. 23, 1901.

In the matter of the application of Irene Hanks for the enrollment of herself and one child as Cherokee Freedmen; being sworn and examined by Commissioner Brackinridge, she testified as follows:

- Q Give me your full name? A Irene Meigs.  
Q How old are you? A 21.  
Q What is your post-office? A Wimer.  
Q In what district do you live? A Cooweescoowee.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Do you apply for anybody besides yourself? A One child.  
Q Have you a husband? A Yes sir.  
Q Do you apply for him? A No sir.  
Q He is a state man is he? A No sir. He is a citizen of the Choctaw Nation.  
Q Where is your husband at this time? A He is at home.  
Q Has he been enrolled as a ~~Choctaw~~ Choctaw? A No sir.  
Q But he expects to be enrolled as a Choctaw does he? A Yes sir.  
Q How long have you lived in the Cherokee Nation? A All my life.  
Q Give me the name of your father? A George Meigs.  
Q Is he dead? A No sir.  
Q Give me the name of your mother? A Lucinda Meigs.  
Q Did they some times call her Cindy? A Yes sir.  
Q She is alive is she? A Yes sir.  
Q When were you married? A I have been married, going on four years.  
Q Give me the name of your husband? A Steve Hank.  
Q Well your name is Hank isn't it? A Yes sir.  
Q What did you tell me it was Meigs for? A Well, I have been enrolled in Meigs all the time.  
Q You haven't a marriage certificate? A Yes sir, but it is at home.

HARRIET WEBBER, being sworn and examined by Commissioner Brackinridge, testified as follows:

- Q Give your name? A Harriet Webber.  
Q How old are you? A I don't know my age, about 30 or 40 I guess.  
Q What is your post-office? A Wimer.  
Q Do you know this applicant here? A Yes sir.  
Q What kin is she to you? A I am her aunt.  
Q Is she married? A Yes sir.  
Q What is the name of her husband? A Hank.  
Q What is his given name? A I don't know his full name.  
Q Does this woman live near you? A Yes sir.  
Q Does her husband live wither? A Yes sir.  
Q And you don't know his name? A No sir, I don't know his name.  
Q How far do they live from you? A Her home aint very far from me.  
Q A mile? A Further than a mile.  
Q How long has she been married to this man Hank? A About four years I guess.  
Q What is the name of this woman's father? A George Meigs.  
Q And her mother? A Cindy Meigs. APPLICANT RE-CALLED:  
Q Give me the name of your child? A Georgie Hanks.  
Q Girl or boy? A Boy.  
Q George then isn't it? A Yes sir, we call him Georgie.  
Q How old is this child? A Three years old.  
Q The child is living with you now? A Yes sir.  
Q Have you ever applied to be enrolled with any other tribe or nation? A No sir.

1880 authenticated roll of citizens of the Cherokee Nation  
examined and applicant not found;  
1896 census roll of citizens of the Cherokee Nation examined  
and applicant not found;

In re Hanks et al 2

Korns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified as follows:  
page 123 #3192 Arena Neigs, Cooweescoowee District;  
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on  
page 125 #2637 Irene Neigs, (No district given.)

Q You have never applied to have this child enrolled with any other tribe or nation? A No sir.

Com'r Brockinridge: The applicant applies for the enrollment of herself and her child; she states that she was lived in the Cherokee Nation all her life; she is identified on the Korns-Clifton and the Wallace rolls, as a Cherokee Freedman; she is 21 years of age, and is not identified on the roll of 1880 or on that of 1896; her change of name arising from marriage is established by her own and her aunt's testimony; she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and ~~will be~~ there will be filed with her case the testimony of her father, Georg. Neigs Sr., which was taken on yesterday, and also the testimony of her grandmother, Elizabeth Neigs, which was taken yesterday. As for her child, George Hanks, this child is too young to be upon any roll, and when the Commission is supplied with a certificate of its birth it also will be listed for enrollment as a Cherokee Freedman on a doubtful card with its mother; the applicant does not apply for her husband; who she states is a Choctaw, and expects to be enrolled with that tribe; she has never applied for enrollment with any other tribe or nation; nor has application ever been made to have this child enrolled with any other tribe or nation.

-----

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*M.D. Green*

Subscribed and sworn to before me this May 23, 1901.

*Chas. H. H. H.*

Commissioner.

File with Cherokee Freedman D-401, Irene Hanks.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;

J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Ninth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Robert Meigs.

Q Where do you live? A I live five miles southwest of Tahlequah.

Q What is your postoffice? A Park Hill is my postoffice.

Q How old are you? A I am 56 my next birthday.

Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '66.

Q Did your people own any slaves before the war? A Yes sir.

Q Do you know whether they owned a woman by the name of Elizabeth?

A No, sir.

Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.

Q Well, did you know Peter Meigs? A Yes, sir.

Q Do you know what his wife's name was when the war broke out?

A Betsy they called her.

Q Well, was she living, Betsy, at the time the war broke out?

A Yes, sir.

Q Well, did you ever know her by any other name than Betsy?

A Bettie.

Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.

Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.

Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.

Q Did you ever see Peter Meigs and his family after the war? A Yes, sir, saw Uncle Peter.

Q What year was that? A Sometime after '71.

Q What were the circumstances as to your seeing him or meeting him?

A My he had come down to council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or what he retained? A Yes, sir.

Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late; is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

*Bruce C. Jones*

Sworn to and subscribed before me this 7th of November, 1901.

*W. A. Jones*

Commissioner.



File with Cherokee Freedman D-401. Irene Hooks.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for  
enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:

L. T. Brown, agent for applicants;  
L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, tes-  
tified as follows:

By L. T. Brown: State your name? A Daniel Sanders.

Q What is your age? A About 59.

Q What is your postoffice address? A Centralia.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1868?

A I think it does.

Q You know Elizabeth Meigs and George Meigs? A Yes, sir.

Q What relation is George Meigs to Elizabeth Meigs? A Her son.

Q Did you know Peter Meigs during his life time? A Yes, sir.

Q Do you know whether Peter Meigs, Elizabeth Meigs, and George

Meigs were out of the Cherokee Nation during the war? A Yes, sir.

Q When did they return to the Cherokee Nation? A They came in '66.

Q With whom did they return? A They came with me and my father

and the Webbers.

Q Have they had a continuous residence in the Cherokee Nation ever

since? A Yes, sir.

By Bell: When did you come to the Cherokee Nation yourself after

the war? A In '66.

Q What time of the year? A First of December.

Q That was the first time? A Yes, sir.

Q Then did you make your second trip? A Along in first part of

January.

Q That was January, 1867? A Yes, sir.

Q Now which one of these trips was it that Peter and his family

came with you? A They came both times.

Q Came both times? A Yes, sir, the old man came the first time

and then the last time the family came.

Q Peter came with you alone the first time? A Yes, sir.

Q Then the second time he brought his family? A Yes, sir.

Q What did his family consist of? A Mary, George, Alice, Harry,

Simon, and Perry.

Q Then was his children? A Then was his children.

Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part  
of the record in the case at bar and part of the record in  
D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

\*\*\*\*\*  
Bruce C. Jones, being duly sworn, says that as stenographer to the  
Commission to the Five Civilized Tribes he correctly recorded the pro-  
ceedings and testimony in the above case, and the foregoing is a true  
and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 7th of November, 1901.

*Bruce C. Jones*  
Commissioner



F. D. 391.

To be filed with F. D. 401.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. May, 13, 1902.

In the matter of the application of Elizabeth Heige for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.  
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

- MR. HASTINGS: What is your name? A Mrs. Lydia Barton.  
Q What is your postoffice? A Fort Scott, Kansas.  
Q Do you hold any official position at the present time? A Yes, sir.  
Q What is it? A County Clerk.  
Q Of the county in which Fort Scott is located? A Yes, sir.  
Q Have you an official paper? A Yes, sir.  
Q What is it? A Our official paper at the present time is the Republican but that changes you know from time to time.  
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.  
Q What was it? A The Fort Scott Monitor.  
Q Are you required to keep files of this paper in your office? A Yes, sir.  
Q Have you a file of the official paper including December 22, 1866, up to and including March of 1867? A Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 20, 1866, found on the second column of the editorial page, headed "Another Murder."

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSIONER: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder."

Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 22nd inst., after dark, Mr. Dyer Hayford, of this city, was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Maygrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. S. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and J. L. Phillips. The body of Mr. Hayford having removed to his residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Herlior had a post-mortem examination, and testified that they found four pistol wounds on the body and face of Elmer Hayford, three of which were mortal. One shot entered the region of the stomach, and came out over the liver, in the side of the back. This wound being fatal, the pistol was held close to the body when discharged. The other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward; the third found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Dyer, (colored) sworn - Early in evening, about 10 o'clock, shots fired. Was at home, lived near the mill close by Eli Mackey's. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes before the shots were fired. Saw the coat of the man who wore when he came to my house, at his house afterwards. I don't know whether he had any revolver then or not, he said he didn't have one, have seen him have one several times. I did not see any flour on his coat. It was a navy revolver which he usually carried. He also owns a gun; didn't see that either. When Mackey left my house he went to his house. I heard him going back to town whistling. I saw a sack of flour at the edge of the creek; looked as if it had been found about twenty yards from Mackey's house. I saw a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards from Mackey's. Saturday night was at home sickened; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He told me his wife said he rode in a northerly direction, that is the way to my house to Mackey's. About five minutes after he left I heard distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Margetrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be pure Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott,

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

#### "A Chapter of Horrors.

Murderer of Hayford Captured and Hung.

Tragical events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Mefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that the Cherokee Nation, 25 men attempted to arrest him on account of his desperation. The colored men were terrible afraid of him. History has seldom recorded so utterly lost even to every sentiment of humanity. As a general rule, we have always despised him except by due process of law, and we have not lost sight of the community and to the last day we have always found that nothing but the most just and justifying it, but we believe in this that we can every moment this desperado was allowed to live of good citizens. We learn that he was taken to the ground. The citizens of the town, who were among the best of our young men, the force of this city they have performed their duty. Generous and brave to a fault, the death of the other creates a spirit of sadness that is felt. The body of Mr. Coe was brought into the city after a funeral sermon by Mr. Irwin was preached, headed by the members of the Grand Army of the Republic where it was interred.

#### Sequel.

On Thursday night a crowd of about fifty men, armed with pistols, the excitement growing out of the tragedy of Wednesday night, the jail and having possessed themselves of the keys took down the door and Harry Vann - on the brother who harbored the desperado, the other charged with furnishing provisions and ammunition for the desperado, to the ravine near the poorhouse and the bodies of the desperado and their lifeless bodies were found next morning. It was said that few in the city except those who were present at the scene it until the next morning."

Benjamin Files, being first duly sworn, deposes and says:

MR. HASTINGS: What's your name? A Benjamin Files.

Q That is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '86, December? A I have lived there ever since '82.

Q Did you know Oyer Hayford? A Yes, sir.

Q Had you known him before December '86? A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed at the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q Who? A Eli Hachey.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called the postman.



- Q That this other man here with you? A Yes, sir.
- Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. From the time the shots fired I wouldn't it was more than twenty minutes.
- Q Twenty minutes? A Yes, sir.
- Q Had it become generally known at the time of the arrest? A No, sir.
- Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
- Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
- Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
- Q Was he put in jail? A Yes, sir.
- Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 26th I think it was.
- Q Of February following, of '67? A Yes, sir.
- Q Well did he make his escape? A He got away.
- Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
- Q Ed Coe was the turnkey was he? A Yes, sir.
- Q I will ask you then if there was any searching parties out for this man? Yes, sir.
- Q For how long? I think he was killed on the 26th of March.
- Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
- Q Well were there quite a number of people out searching for him? A Yes, sir.
- Q Considerable excitement at that time? A Yes, sir.
- Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
- Q Up until that time? Yes, sir.
- Q You say that was for about three weeks? A Yes, sir, something over three weeks.
- Q From the 26th of February up until about the 30th of March? A Yes, sir.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
- Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
- Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
- Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
- Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
- Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
- Q You was a friend of his? A Yes, sir.



H. C. Jones, being first duly sworn, testified as follows:

- MR. HASTINGS. What is your name? A H. C. Jones.
- Q What is your postoffice? A Fort Scott.
- Q Kansas? A Kansas, yes, sir.
- Q What is your age, please sir? A 36.
- Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.
- Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
- Q What office was that? A City Marshal, called town constable.
- Q You was a city policeman? A Yes, sir.
- Q Did you assist in his first arrest? A I did.
- Q Who assisted you in the arrest? A Mr. Benjamin Files.
- Q This man that's present here? A Yes, sir.
- Q Did you hear the shot that killed Hayford? A I did.
- Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?
- A 20 or 25 minutes, inside of a half hour at most.
- Q Very short time? A Yes, sir.
- Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
- Q People didn't generally know it up to that time? A No, sir.
- Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
- Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
- Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
- Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
- Q He made his escape then? A He made his escape, yes, sir, at the time.
- Q You know how long he was at large? A Well I put it something like three weeks.
- Q I will ask you if there was any searches at that time made for him?
- A You mean after?
- Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
- Q Reward offered for him? A Yes, sir, reward offered.
- Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
- Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.
- COMMISSION: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.
- Q '67? A In '66 the killing was done.
- Q Few days before Christmas of '66? A Yes, sir.

MR. HARRINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-216, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and asks the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, and immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation is complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-395, D-396, D-401, D-402, D-404, D-407, D-775, and in D-391, the case being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(Signed) Philip G. Renter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

*Arthur G. Evans*

Subscribed and sworn to before me this 23rd day of July, 1902.

*Philip G. Renter*  
Notary Public.

g.

C.F.N. 401

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**  
OCT 21 1901



ACTING CHAIRMAN

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. S. L. 10/19/01

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
Greene Hawks et al for enrollment as  
Freemen of the Cherokee Nation.

No. L.D. 401

Louis T. Broome  
Agent for applicant

DEPARTMENT OF THE INTERIOR, *Cherokee*  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Ross, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Joe Ross,.....	Cherokee Freedmen	D-380
Chilera Grayson, et al.,.....	Cherokee Freedmen	D-496
Aaron Webber,.....	Cherokee Freedmen	D-216
Elizabeth Meigs,.....	Cherokee Freedmen	D-391
George Meigs, Sr., et al.,.....	Cherokee Freedmen	D-394
John Meigs,.....	Cherokee Freedmen	D-396
Flemings Meigs,.....	Cherokee Freedmen	D-396
Irene Hanks, et al.,.....	Cherokee Freedmen	D-401
Mattie Carroll, et al.,.....	Cherokee Freedmen	D-402
Andrew Alberty, et al.,.....	Cherokee Freedmen	D-404
Harriett Webber, et al.,.....	Cherokee Freedmen	D-407
Moses Webber,.....	Cherokee Freedmen	D-408
Wesley Webber,.....	Cherokee Freedmen	D-409
Edward H. Webber,.....	Cherokee Freedmen	D-410
Samuel Beck, et al.,.....	Cherokee Freedmen	D-828
Edward Wright,.....	Cherokee Freedmen	D-818
John Wright,.....	Cherokee Freedmen	D-834

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Joe Ross, for himself; by Joe Ross, for his sister, Chilera Grayson, and her minor child, Gertrude; by Aaron Webber, for himself; by Elizabeth Meigs, for herself; by George Meigs, Sr., for himself, his wife, Matilda Meigs, and minor son, George Meigs, Jr. (Matilda Meigs is differently classified and is not embraced in this decision); by John Meigs, for himself; by Flemings Meigs, for himself; by Irene Hanks, for herself and minor child, George Hanks; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Flossie Hanks; by Mattie Carroll, for herself, her sister, Katie Meigs, and brothers, Nathan and Henry T. Meigs; by Elizabeth Alberty, for herself, her husband, Andrew Alberty, and minor children Mattie, Charity, Mollie, Ben and Bolly Alberty; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Ned Alberty; by Harriett Webber, for herself and minor child, Millie M., and her ward, Mattie Webber; by Moses Webber for himself; by Wesley Webber, for himself; by Edward H. Webber, for himself; by Samuel Beck, for himself, his wife, Mary Beck, and minor child, Maguittie; by Edward Wright, for himself; and by John Wright, for himself.

The evidence shows that Joe Ross, one Peter Meigs, now deceased, husband of Elizabeth Meigs, Moses Webber, Sr., father of Aaron Webber, George Meigs, Sr., Chelara Grayson, Samuel Beck and Andrew Alberty, were slaves of Cherokee citizens at the commencement of the War of the Rebellion; and that during said War they left the Cherokee Nation.

Said Joe Ross, Peter Meigs and Moses Webber, Sr., returned to the Cherokee Nation in the fall of 1866, and located a claim on the public domain of the Cherokee Nation; they then went back to Kansas for their wives and families, and returned with them to said Nation in February or March, 1867.

Elizabeth Alberty, wife of Andrew Alberty, Mary Beck, wife of Samuel Beck, and Harriett Webber, are children of said Elizabeth and Peter Meigs, and, with the exception of the said Elizabeth Alberty, who has been born since 1866, were minors at the time of their parents' return to the Cherokee Nation. The said Elizabeth Alberty desires to be enrolled as Lizzie Alberty. Moses Webber, Wesley Webber and Edward H. Webber are children of said Harriett Webber, and have all been born since 1866.

George Meigs, Sr., returned with his father and mother to the Cherokee Nation in February or March, 1867, and was of age at that time.

John Meigs, Flemings Meigs and Irene Hauke have been born since 1866, and are children of, and claim right to enrollment through, the said George Meigs, Sr. The names of the said George Meigs, Sr., John Meigs, Flemings Meigs and Irene Hauke, are not found on the 1860 authenticated roll of the Cherokee Nation.

Chelara Grayson returned to the Cherokee Nation with her brother, Joe Ross, in February or March, 1867. She was then married and not a member of the family of Joe Ross, at the time of his return to the Cherokee Nation. Her name is not found on the 1860 authenticated roll of the Cherokee Nation. Her minor child, Gertrude, takes only such rights as are possessed by her mother.

Samuel Beck did not return to and establish his residence in the Cherokee Nation until after January 19, 1867. His name is not found on the 1860 authenticated roll of the Cherokee Nation.

Andrew Alberty returned to the Cherokee Nation and established a residence therein in 1866.

Hattie Carrell, Katie Meigs, Nathan Meigs and Henry T. Meigs, have been born since 1866, and are the children of one Simon Meigs, and claim their right to enrollment through him. The evidence does not show that the said Simon Meigs was the slave of a Cherokee citizen, or free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion, who was residing therein on July 19, 1866, or within six months thereafter. The names of the said Simon Meigs, Hattie Carrell, and Nathan and Henry T. Meigs, are not found on the 1860 authenticated roll of the Cherokee Nation.

Aaron Webber has been born since 1866, and is the son of Moses Webber, Sr., who is identified on the 1860 authenticated roll of the Cherokee Nation as adopted colored. It is presumed from this enrollment that the Cherokee Nation recognized that Moses Webber, Sr., complied with the terms of the treaty of 1866. Edward Wright is the step-son of said Moses Webber, Sr., and was a minor and a member of the family of said Moses Webber, Sr., when he returned with them to the Cherokee Nation in February or March, 1867. John Wright is the son of Edward Wright, and takes the status of his father.



Mattie Webber, included in the application of said Harriett Webber, is the daughter of Jesse and Missie Ree. The evidence does not show that the said Jesse or Missie Ree, or any of their ancestors, were ever slaves of Cherokee citizens, or free colored persons residing in the Cherokee Nation at the beginning of the War of the Rebellion. The names of said Harriett Webber, Jesse Ree and Missie Ree are not found on the 1880 authenticated roll of the Cherokee Nation.

The evidence further shows that Joe Rees, Elizabeth Meigs, Andrew Alberty, Mary Beck, Harriett Webber and Edward Wright have resided in the Cherokee Nation continuously since their return thereto, as above mentioned; that all the applicants herein, born since 1866, have resided in the Cherokee Nation continuously since birth.

It is, therefore, the opinion of this Commission, that Aaron Webber, having been born since 1866, should be enrolled as a Cherokee Freedman, and that Joe Rees, Elizabeth Meigs, Andrew Alberty, Lizzie Alberty, Mattie Alberty, Charity Alberty, Nellie Alberty, Ben Alberty, Bolly Alberty, Ned Alberty, Harriett Webber, Willie M. Webber, Moses Webber, Wesley Webber, Edward M. Webber, Mary Beck, Luquittie Beck, Edward Wright and John Wright should also be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 26, 1896 (30 Stats., 496); it is further the opinion of this Commission that the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John Meigs, Fleming Meigs, Mattie Carroll, Katie Meigs, Nathan Meigs, Henry F. Meigs, Irene Hanks, George Hanks, Flomen Hanks, Chlera Grayson, Gertrude Grayson, Mattie Webber and Samuel Beck, should be denied, under the provisions of said Section twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*T. B. Needles*

(SIGNED)

*T. B. Needles*

(SIGNED)

*C. E. Breckin*

*W. L. C. Breckin*

Muskogee, Indian Territory,

this

JUL 10 1903

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

At Fort Co. Indian Territory

June 13th, 1901.

To **Mrs. Irene Hanks,**

Wimer, Indian Territory.

Receipt hereby acknowledged of birth certificate in the matter of the application for enrollment of **George Hanks, daughter** son  
of **Steve Hanks** and **Irene Hanks**  
as a citizen of the **Cherokee** Nation, and the same has been duly filed.

Very respectfully,

Acting Chairman.

COPY.

Cherokee Freedmen  
D-380 Ac.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the five Civilized Tribes, dated July 10, 1903, in the consolidated case of Joe Ross, et al., granting the applications for the enrollment of Aaron Webber, Joe Ross, Elisabeth Neigs, Andrew, Linnie, Hattie, Charity, Mollie, Ben, Dottie and Ned Alberty, Harriett, Millie M., Moses, Wesley and Edward W. Webber, Mary and Luquittie Beck, Edward Wright and John Wright, and rejecting the applications for the enrollment of George Neigs, Sr., George Neigs, Jr., John and Fleming Neigs, Hattie Carroll, Katie, Nathan and Henry T. Neigs, Irene, George and Flossie Neaks, Chisara and Gertrude Gregson, Hattie Webber and Samuel Beck, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

*T. B. Needles.*

Enc. X-22.

Commissioner in Charge.

Cherokee Freedmen  
D-401

COPY.

Muskogee, Indian Territory, August 17, 1903

Irene Hanks,

Wimer, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself and your two minor children, George and Flenon Hanks, as Cherokee freedmen. There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*I. B. Needles.*

Enc. D-100  
Register.

Commissioner in Charge.

COPY

Cherokee Freedmen  
D-350 et al.

Muskogee, Indian Territory, August 17, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Joe Ross et al., including the Commission's decision dated July 10, 1903, granting the applications for the enrollment of Aaron Webber, Joe Ross, Elizabeth Meigs, Andrew, Linnie, Mattie, Charity, Mollie, Ben, Dolly and Ned Alberty, Harriett and Millie M. Webber, Moses, Wesley and Edward H. Webber, Mary and Luquittie Beck and Edward and John Wright, and rejecting the applications for the enrollment of George Meigs, Sr., George Meigs, Jr., John and Fledings Meigs, Mattie Carroll, Katie, Nathan and Henry T. Meigs, Irout, George and Elmer Hawks, Chlorea and Gertrude Grayson, Mattie Webber and Samuel Beck, as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in these cases, a copy of which protest is enclosed.

At the request of the attorney for the Nation there are also enclosed two copies of his general brief in the Cherokee freed-

-2-

men enrollment, which he desires to have considered in connection with these cases.

Respectfully,

*L. E. Neill*

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

Enc. D-115



COPY.

Cherokee F.D-776  
401-2-4-7-248-2-4-  
1

Wahkeget, Indian Territory, August 17, 1903.

Louis T. Brown,

Agent for Mary Beck et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Joe Ross et al., granting, among others, the applications for the enrollment of Mary and Luquittie Beck, Harriett and Millie M. Webber, Elizabeth Maize, Andrew, Lizzie, Mattie, Charity, Nellie, Ben, Dollie and Ned Albany, and rejecting the applications for the enrollment of Samuel Beck, Mattie Webber, Mattie Carroll, Katie, Nathan and Henry T. Maize, Irene, George and William Neaks, Fleming and John Maize, George Maize Sr., and George Maize Jr., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is advised of the same.

Respectfully,

E. J. Neenan,

Commissioner in Charge.

Enc. D-95

Register.

Land  
53558-1903.  
56859-1903  
61805-1903.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

A.C.T.

Washington, Oct. 3, 1903.

To the Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

In accordance with the request contained in your report of August 31, 1903, the record relative to the application of Clara Grayson, et al., parties applicants to the Joe Ross, et al. case, is returned. There is also enclosed the affidavit of Samuel Beck, a party to the case, which was filed in this office by Chester Howe, Esq., of this city, who requested that action be suspended on the case for a reasonable time in order that Samuel Beck might secure farther and additional proof in relation to his right to enrollment. Mr. Howe has been advised of this action.

Very respectfully,

(Signed) W. A. Jones,  
Commissioner,  
A.C.T.

G.A.W.-L.C.

COPY.

Shoshone Freedmen

D-497, et al.

Shoshone, Indian Territory, April 17, 1906.

Louis T. Brown,

Attorney for Harriet Webber, et al.,

Shoshone, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1906, rejecting, among others, the applications for the enrollment of Harriet, Millie M. and Mattie Webber, Mattie Shroll, Katie, Fathan, Henry T., Fleming, John, Elizabeth, George W. and George Neigh Jr., Irene, George and Flossie Hanks, and granting, among others, the application for the enrollment of Andrew, Lizzie, Mattie, Charity, Nellie, Sam, Dollie and Ned Alberty, as Shoshone Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) *Tame Bixby.*  
Chairman.

Incl. 9-41  
Register.

COPY.

Cherokee Freedmen  
B-180, et al.

Muskogee, Indian Territory, April 17, 1906.

Ball, Hastings & Davisport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1906, granting the applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Mattie, Charity, Nellie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Chloa Grayson, Elizabeth, George Sr., George Jr., John and Flenings Waige, Irene, George and Flenon Hanks, Mattie Carroll, Katie, Nathan and Henry T. Waige, Harriet, Willie M., Mattie, Hester, Wesley and Edward E. Webber, Mary Beck, Edward Burriak and John Wright, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 9-41.

W. M. BIRBY

COPY.

Cherokee Freedmen  
B-300, et al.

Muskogee, Indian Territory, April 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Joe Hess, et al., as Cherokee freedmen, including the Commission's decision dated April 17, 1906, granting the applications for the enrollment of Joe Hess, Gertrude Grayson, Aaron Webber, Andrew, Lizzie, Mattie, Charity, Nellie, Ben, Dollie and Ned Alberty, Samuel and Luquittie Beck, and rejecting the applications for the enrollment of Chloa Grayson, Elizabeth, George Sr., George Jr., John and Fleming Meigs, Irene, George and Flossie Hawks, Mattie Farrell, Katie, Nathan and Henry T. Meigs, Harriet, Willie E., Mattie, Moses, Wesley and Edward E. Webber, Mary Beck, Edward Derrick and John Wright, as Cherokee freedmen.

Respectfully,

(SIGNED).

*Tamm Bixby.*  
Chairman.

Incl. B-64

Through the

Commissioner of Indian Affairs.



COPY.

Cherokee Freedmen

D-491.

Muskogee, Indian Territory, April 17, 1906.

Irene Hanks,

Wimer, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 17, 1906, rejecting, among others, the application for the enrollment of yourself and your minor children, George and Flenon Hanks, as Cherokee freedmen. There has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-49  
Register

(SIGNED).

*Tamm Dixby.*  
Chairman.

enrollment except through their mother, their father Ellis Webber, not having returned to the Cherokee Nation on or before February 11, 1867. Hattie Webber is a daughter of Wesley Webber and one Missy Rowe; Missy Rowe was born since 1866 and is the daughter of Jesse Rowe, the rejection of whose claim was approved by the Department May 28, 1904. George Jr., John and Flemings Meigs and Irene Hanks are the children of George Meigs, Sr., and possess no rights to enrollment except through their father, their mother, Lucinda Meigs, born Towers, not being shown to possess <sup>any</sup> rights as a Cherokee Freedman; George and Flenon Hanks are the minor children of Irene Hanks and possess no rights to enrollment except through their mother. Hattie Garrell, Katie, Nathan and Henry T. Meigs were born since 1866 and are children of Simon and Fannie Meigs; Simon is the son of Peter and Elizabeth Meigs and returned to the Cherokee Nation with his parents. Fannie Meigs is not shown to possess any rights as a Cherokee Freedman. Andrew Alberty returned to the Cherokee Nation on or before February 11, 1867; his wife Lizzie Alberty, is the daughter of Peter and Elizabeth Meigs, and was born in the Cherokee Nation after the return of her parents thereto. The applicants, Hattie, Charity, Nellie, Ben, Dollie and Ned Alberty are their minor children born since 1866. Samuel Beck returned to the Cherokee Nation and established a residence therein prior to February 11, 1867, and has since continuously resided therein.

The minor applicant, Luquittie Beck is the child of Samuel Beck and has resided with her father since birth.

Ohlera Grayson returned to the Cherokee Nation with the Webbers, subsequent to February 11, 1867; her minor grand child, Gertrude Grayson, is the daughter of Armstead Foster, who is identified on the 1880 authenticated Cherokee roll.

Edward Derrick returned to the Cherokee Nation the last of February or first of March, 1867; Jehn Wright is his son born since 1866 and takes the status of his father.

Aaron Webber returned to the Cherokee Nation in the summer of 1866. Joe Ross, Aaron Webber and Andrew Alberty have resided continuously in the Cherokee Nation since their return thereto, and the applicants, Gertrude Grayson and Lizzie Hattie, Charity, Mollie, Ben, Dollie and Ned Alberty have resided therein continuously since birth. None of the other applicants, nor any of their ancestors, through whom they claim, can be identified on the 1880 authenticated Cherokee roll.

There is also enclosed briefs in behalf of Edward Derrick and Mary Beck which have received due consideration.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

C.F. Larrabee

Acting Commissioner.

C O P Y .  
DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

COPY.

I.T.D.7538-1905.  
8884- "  
L.R.S.8900- "

June 25, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On April 17, 1905, the Commission to the Five Civilized Tribes transmitted for departmental consideration the record in the matter of the consolidated applications of Joe Ross, Chlora Grayson, et al., Aaron Webber, Elizabeth Meigs, George Meigs, Sr. et al., John Meigs, Flemings Meigs, Irene Hanks, et al., Hattie Carell, et al., Andrew Alberty et al., Harriet Webber et al., Moses Webber, Wesley Webber, Edward H. Webber, Samuel Beck et al., Edward Derrick and John Wright, for enrollment as Cherokee freedmen, together with its decision dated April 17, 1905. There was also transmitted a general brief and argument for these applicants, prepared by their attorneys, also an argument on behalf of Edward Derrick, prepared by his attorney.

On September 7, 1905, the attorneys for the applicants filed motions for review in the matter of the applications of Joe Ross et al., Hattie Carell et al., Elizabeth Meigs, Elizabeth Meigs et al., George Meigs, Sr., et al., Edward H. Webber, Harriet Webber, Moses Webber, and Wesley Webber et al.

No proper reason appears for granting said motions for review and they are hereby denied.

Reporting June 19, 1905, the Indian Office recommends that the decision of the Commission to the Five Civilized Tribes in this consolidated case be approved. A copy of its letter is inclosed.

A careful consideration of the records, together with the arguments submitted, leads the Department to the opinion that the Commission's decision is correct. The applications for the enrollment of Joe Ross, Gertrude Grayson, Aaron Webber, Andrew Alberty, Lizzie Alberty, Hattie Alberty, Charity Alberty, Mollie Alberty, Ben Alberty, Dollie Alberty, Ned Alberty, Samuel Beck, and Puquittie Beck are hereby approved, and you will enroll them as Cherokee freedmen. The applications for the enrollment of Chlora Grayson, Elisabeth Meigs, George Meigs, Sr., George Meigs Jr., John Meigs, Flemings Meigs, Irene Hanks, George Hanks, Flemon Hanks, Hattie Carell, Katie Meigs, Nathan Meigs, Henry T. Meigs, Harriet Webber, Willie W. Webber, Hattie Webber, Moses Webber, Wesley Webber, Edward W. Webber, Mary Beck, Edward Derrick, and John Wright as Cherokee freedmen are hereby denied.

Respectfully,

Jesse E. Wilson,

1 inclosure

Assistant Secretary

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1906, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlara Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-7  
MMP

Commissioner.



Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Louis T. Brown,

Attorney for Joe Ross, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al., and rejecting the applications for the enrollment of Chlera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.P-7  
MMP

Cherokee freed-  
men D. 350 et al.

Muskogee, Indian Territory, July 6, 1906.

Blue & Bulger,

Attorneys for Joe Ross, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1905, granting the applications for the enrollment of Joe Ross, et al. and rejecting the applications for the enrollment of Chlera Grayson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by you September 7, 1905, for review of said case was denied by the Department on said date.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-6  
NMF

Commissioner.

Cherokee freed-  
man D. 401

Muskogee, Indian Territory, July 6, 1906.

Irene Hanks,  
Wimer, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 17, 1906, rejecting, among others, your application for the enrollment of yourself and children, George and Flemon Hanks, as Cherokee freedmen, was affirmed by the Secretary of the Interior June 25, 1906, and that the motion filed by your attorneys September 7, 1905, for review of your case, was denied by the Department on said date.

Respectfully,

Commissioner.

MMP

D.C. 55042-1906.

( COPY )

STARR & PATTEN,  
ATTORNEYS AT LAW,  
VINNYA, I. T.

December 22nd 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes  
Muskogee I T

Dear Sir:

Referring to the Cherokee Freedmen Enrollment cases of  
Luella Swaden et al and Chloera Grayson et al we beg to advise you  
that we have repeatedly reminded these applicants that they ought  
to file all of the affidavits they can secure in support of their  
motion for rehearing and in as much as they have given the matter  
no further attention the case might as well be forwarded for Depart-  
mental action as soon as your office is ready for it to go forward  
as we have nothing further to offer in support of this motion for  
rehearing.

Yours truly,

(signed) Starr & Patten,  
J.C.S.

Wahkopa, Indian Territory, December 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed August 20, 1906, by Starr & Patton, attorneys for applicants, Vinita, Indian Territory, for a rehearing of the Cherokee Freedmen consolidated case of Joe Ross et. al. No. D. 340 et al., insofar as it rejects the applicant's Chas. Grayson, et al. With their letter of October 10, 1906, said attorneys forwarded affidavits by Dunk Vann and Stephen Little, which they requested be filed in support of their motion, and they also requested that they be allowed thirty days within which to file additional affidavits in support of their motion. Since that time they have filed no new affidavits. These attorneys represent practically all of the Cherokee freedmen cases that are now pending, and they have filed a number of motions to review all reopen pending cases. They have also filed from time to time, affidavits and additional motions in support of their motions filed within the time limited by the Act of April 26, 1906. On December 21, 1906, said attorneys verbally advised the office that they had filed all of the papers they desire in connection with their motions.

Secretary-2

June 28, 1906 (I. T. D. 7838-8884-8900-1908), the Department affirmed the decision of the Commission to the Five Civilized Tribes favorable to a part of the applicants embraced in the Cherokee freedmen consolidated case of Joe Ross et al., and adverse to a part of the applicants therein. The motion referred to applies to applicants embraced in said case to whom the decision was adverse.

An examination of the original record in this case shows that the motion for a rehearing is without merit. The applicants in this case were represented in the hearing of the case by able attorneys, and a great mass of testimony was introduced in their behalf and on behalf of the Attorney for the Cherokee Nation. The motion is based upon the ground of newly discovered evidence, but there is no affidavit by any of the applicants showing that the evidence they now seek to introduce is newly discovered, or that with due diligence they could not have secured it when the case was heard before the commission. Both of the parties to the affidavits filed in support of the motion reside in the Cherokee Nation, and when the Commission was engaged in hearing Cherokee freedmen cases, they testified in a number of cases.

It is respectfully recommended that the motion for a rehearing be denied.



Secretary-3

There is enclosed a motion filed August 24, 1906, by Sevely & Givens, Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in said case. The protest of the Attorney for the Cherokee Nation, filed September 26, 1906, against this motion is also enclosed. The applicant, Mary Beck, was born prior to the breaking out of the war of the rebellion, and in accordance with the provisions of the Act of Congress approved April 26, 1906, ( 34 Stat., 137), she can not claim a constructive residence in the Cherokee Nation on account of her return to the Cherokee Nation of her father, Peter Neigs. The record in this case, as well as the records in various other Cherokee freedmen cases, shows that the family of Peter Neigs, and also the families of the persons with whom Peter Neigs returned to the Cherokee Nation after the war of the Rebellion, did not return to the Cherokee Nation until subsequent to February 11, 1867.

It is recommended that this motion for review be denied.

There is also enclosed a motion for review of the Cherokee freedman case of Edward Derrick, one of the applicants in said case. This motion was filed August 24, 1906, by Roy T. Osborne and W. J. Sullivan, attorneys for applicant. This motion

Secretary-4

has no merit, for the reason that it does not point out any erroneous construction of the law in the Department's decision. It is also respectfully recommended that this motion be denied.

Respectfully,

Through the

Commissioner of the Indian Affairs.

Encl. B-2

Commissioner.

(MH)

(COPY)

Refer in reply to the following:

Land.  
75-1907  
2937-1907  
53921-1906

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

January 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of the Commissioner to the Five Civilized Tribes, dated December 27, 1906, transmitting motion for a re-hearing in the Cherokee Freedman consolidated case of Joe Ross, et al., in so far as it rejects the applicants, Chlora Grayson, et al.

This motion was filed with the Commissioner on August 20, 1906, by Starr and Patten, attorneys for the applicants, at Vinita, I. T. With their letter of October 10, 1906, the attorneys furnished the Commissioner affidavits by Dunk Vann and Stephen Little, to be filed in support of their motion.

On June 28, 1906 (I. T. D. 7538, 8884, 8900-1905), the Department affirmed the decision of the Commission favorable to a part of the applicants embraced in the Cherokee Freedman case of Joe Ross, et al., and adverse to a part of them. The motion herein applies only to the applicants embraced in Departmental decision who were rejected thereby.

In connection herewith the attention of the Department is invited to a report of Commissioner Bixby dated January 7, 1907, which is transmitted on this day in connection with the

Cherokee Freedman case of Chlora Grayson, et al., with which is enclosed copy of letter from Starr and Patton, attorneys for the applicants, dated December 22, 1906, saying that they have repeatedly called the attention of the applicants to the necessity of filing further affidavits in support of their motion for a re-hearing, and that they have given the matter no further attention. For this reason they say they have nothing further to offer in support of the motion.

The record in this case shows that the applicants were represented in the hearing by able attorneys and a great mass of testimony was introduced on their behalf and on behalf of the attorneys for the Cherokee Nation. The motion is based on the ground of newly discovered evidence, but in view of the letter from the attorneys for the applicants saying that no further affidavits will be filed in support of the motion, and of the further fact that it is not shown that with due diligence the evidence could not have been secured when the case was heard before the Commission, it is recommended that the motion for re-hearing be denied.

There is also enclosed a motion filed with the Commissioner to the Five Civilized Tribes, August 24, 1906, by Zevely and Givens, of Muskogee, Indian Territory, for a review of the case of Mary Beck, one of the applicants in the case of Joe Ross, et al. The protest of the attorney for the Cherokee Nation, filed with the Commissioner September 26, 1906, against this

motion, is also forwarded herewith.

The record herein shows that Mary Beck was born prior to the breaking out of the War of the Rebellion, and in accordance with the provisions of the Act of April 26, 1906 (34 Stat. L., 137), she cannot claim constructive residence in the Cherokee Nation on account of the return thereto of her father, Peter Meigs.

The record further shows that the family of Peter Meigs, and also the families of persons with whom he returned to the Cherokee Nation after the war, did not return until subsequent to February 11, 1867. It is recommended that this motion for review be denied also.

Edward Derrick, one of the applicants in the case of Joe Ross, et al., by his attorneys, Roy T. Osborne and W. J. Sullivan, filed a motion for re-hearing with the Commissioner on August 24, 1906, which is enclosed.

As this motion fails to point out any erroneous construction of the law in the Department's decision, it is recommended that it be denied.

The record in the case is herewith enclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-D

JE Jr

(COPY)

DEPARTMENT OF THE INTERIOR, LLS  
WASHINGTON.

I.T.D. 1365-1907  
D.C. 4232-1907

January 19, 1907.

LNS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On January 18, 1907 (Land 2037), the Indian Office transmitted your report dated December 27, 1906, submitting for departmental consideration a motion for rehearing filed in behalf of Chlorea Grayson et al., a motion for review filed in behalf of Mary Beck, and a motion for review filed in behalf of Edward Berriek, the last two motions involving persons who are parties to the first motion.

The attorney for the Cherokee Nation files protests which apparently covers nearly all of the parties named in the motions. Argument is also submitted by the attorneys for Edward Berriek.

You recommend, for reasons set forth in your report, that all the motions be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department has considered these motions, together with the few supporting affidavits filed, the argument of attorneys on behalf of the applicants and the nation, and the original



record. In regard to the motion for rehearing, the affidavits submitted show no evidence not heretofore considered by the Department. The record is voluminous, and it would appear that in the five years elapsing since the filing of this application ample time has been given to permit the applicants, by the exercise of due diligence, to have secured the necessary evidence to establish their rights as Cherokee Freedmen.

The motions for review point out no specific error; one alleges error in your decision, when in fact the decision in the case was made by the Commission to the Five Civilized Tribes.

The three motions transmitted are without merit. They are hereby denied.

The papers are returned for the files of the Indian Office.

Respectfully,

Thos Ryan  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 25 to Ind. Of.

Cherokee F.  
R 624

Muskogee, Indian Territory, February 15, 1907.

Irene Hanks,

Buck, Indian Territory.

Dear Madam:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of yourself, et al, filed by Starr & Patten, Attorneys at Law, Vinita, Indian Territory, on August 20, 1906, was denied by the Secretary of the Interior, January 28, 1907.

Respectfully,

JMH

Commissioner.

Charles F.  
R. All.

Muskogee, Indian Territory, February 15, 1907.

Starr & Patten,

Attorneys for Chlera Grayson, et al.,  
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that a motion, filed by you August 20, 1906, for a rehearing of the Cherokee freedmen enrollment case of Chlera Grayson, et al., was denied by the Secretary of the Interior, January 20, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. E-1  
JMH

Commissioner.

Cherokee F.  
Hall et al.

Muskogee, Indian Territory, February 15, 1907.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of Chisora Grayson, et al., filed August 20, 1906, and motions for review of the Cherokee freedmen enrollment cases of Mary Beck and Edward Derrick, filed August 24, 1906, were denied by the Secretary of the Interior, January 20, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. E-12  
JMH

Commissioner.

75.

J.G. LIT

7

MAY 23 1901

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
MAY 23 1901

  
ACTING CHAIRMAN

MEMORANDUM APPLICATION.

CHEROKEE FREEDMEN.

Date *May 23. 1901*  
 Post Office *Thymed. Ga.*  
 District *low.*

1. Name

Owner's name

Year

Page

No.

District

Age

Citizenship

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Owner's name

Year

Page

No.

District

Citizenship

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

Year Page No. Dist.

Year Page No. Dist.

Year Page No. Dist.

Year Page No. Dist.

Year Page No. Dist.

Year Page No. Dist.

Year Page No. Dist.

Year Page No. Dist.

Year Page No. Dist.

Year Page No. Dist.

Application made by *Mr. 1. Irene Banks* Stenographer *Irene*

*Mr. 1. Mrs. K. C. Price as Irene Miggins*  
*" 1. " Wallace A. Price 125 Mr. 2 637 as Irene Miggins*  
*+ of the George Miggins case*  
*+ of the George Miggins case*  
*Mr. 2. Henry J. Smith to be supplied*



*Charles Greenwood*

COPY,

*1901*

217

IN RE

Application for Enrollment of  
INFANT CHILD

*George H. H. H.*

as a citizen of

*Cherokee*

Nation.

Approved

*June 12*

1901

*J. B. Needles*

Commissioner

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

*June 12, 1901*

*[Signature]*

CHAIRMAN.

COPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of George Hanks (Here insert name of child.) born on the 19 day of Apr., 1898  
Name of Father: Steve Hanks a citizen of the Choctaw Nation.  
Name of Mother: Irene Hanks a citizen of the Cherokee Nation.  
Postoffice: Wimer I.T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
DISTRICT.

I, Irene Hanks, on oath state that I am 21  
years of age and a citizen by birth of the Cherokee Nation;  
that I am the lawful wife of Steve Hanks, who is a citizen, by  
birth of the Choctaw Nation; that a Male child was  
(Male or Female.)  
born to me on 19th day of Apr., 1898; that said child has been named  
George Hanks, and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two Witnesses.) { Floyd Blair

Arena Hanks

Subscribed and sworn to before me this 7 day of June, 1906.  
J. H. Blair  
Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
DISTRICT.

I, Lucinda McKinney, a Midwife, on oath state that I  
attended on Mrs. Irene Hanks, wife of Steve Hanks  
on the 19 day of Apr., 1898, that there was born to her on said date a Male  
(Male or Female.)  
child; that said child was living March 4, 1905, and is said to have been named George Hanks

WITNESSES TO MARK:

(Must be Two Witnesses.) { Floyd Blair

Lucinda McKinney

Subscribed and sworn to before me this 7 day of June, 1906.

Seal

J. H. Blair  
Notary Public.

C7A-401. <sup>C</sup> COPY Cherokee Freedman D 401

IN RE

Application for Enrollment of

INFANT CHILD

George Hawke

is a citizen of

CHEROKEE

Nation.

Approved June 12th 1901

T. B. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FILED JUN 12 1901

TAMS BIXBY  
ACTING CHAIRMAN.

# DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CHEROKEE Nation,  
of George Hawks (Here insert name of child.), born on the 19 day of Apr., 1898  
Name of Father: Steve Hawks a citizen of the Choctaw Nation.  
Name of Mother: Irene Hawks a citizen of the Cherokee Nation.  
Postoffice Wimer I. T.

## AFFIDAVIT OF MOTHER. GA

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
DISTRICT. }

I, Irene Hawks, on oath state that I am 21  
years of age and a citizen, by birth, of the Cherokee Nation;  
that I am the lawful wife of Steve Hawks, who is a citizen, by  
birth, of the Choctaw Nation; that a male child was  
(Male or Female.)  
born to me on 19 day of Apr 1898; that said child has been named  
George Hawks, and is now living.

Witnesses TO MARK: Aremo Hawks  
(Must be Two Witnesses.) { Floyd Blair  
Subscribed and sworn to before me this 7 day of June 1901  
(SEAL) J. W. Blair  
Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
DISTRICT. }

I, Lucinda McKinney, a midwife, on oath state that I  
attended on Mrs. Irene Hawks, wife of Steve Hawks  
on the 19 day of Apr 1898; that there was born to her on said date a male  
(Male or Female.)  
child; that said child is now living and is said to have been named George Hawks  
Lucinda McKinney

Witnesses TO MARK:  
(Must be Two Witnesses.) { Floyd Blair  
Subscribed and sworn to before me this 7 day of June 1901  
(SEAL) J. W. Blair  
Notary Public.

98,401  
COPY.  
517

IN RE

Application for Enrollment of  
INFANT CHILD

*Glenn Banks*

as a citizen of

*Cherokee*

Nation.

Approved *Aug 20* 1902

*Thos. E. By*

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

*Aug. 20, 1902*

*[Signature]*  
J. GRIMMAN

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,  
of Helen, born on the 3 day of October, 1901.  
Name of Father: Steven Hands a citizen of the Cherokee Nation.  
Name of Mother: Irene a citizen of the Cherokee Nation.  
Postoffice: Brick, I. T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Central DISTRICT.

I, Irene Hands, on oath state that I am 22  
years of age and a citizen by blood, of the Cherokee Nation;  
that I am the lawful wife of Steven Hands, who is a citizen, by  
freedom, of the Cherokee Nation; that a Male child was  
(Male or Female.)  
born to me on 34 day of October, 1901; that said child has been named  
Helen, and was living March 4, 1905.

## WITNESSES TO MAKE:

(Must be Two  
Witnesses.)

W. M. Martin  
Eda Lee  
Mason



Subscribed and sworn to before me this 8 day of July, 1902

John F. Counts

Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,  
Central DISTRICT.

I, O. W. Rice, a Physician, on oath state that I  
attended on Mrs. Irene Hands, wife of Steven Hands  
on the 34 day of October, 1901; that there was born to her on said date a Male  
(Male or Female.)  
child; that said child was living March 4, 1905, and is said to have been named Helen.

## WITNESSES TO MAKE:

(Must be Two  
Witnesses.)

O. W. Rice M.D.



Subscribed and sworn to before me this 8 day of July, 1902

John F. Counts

Notary Public.



COPY F. D. 401

IN RE  
Application for Enrollment of  
INFANT CHILD

Plemon Hawks

a citizen of

CHEROKEE

Nation.

Approved Aug 20 1902

Tams Bixby

Commissioner.

Encl B-40

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,

FILED Aug 20 1902

Tams Bixby

Acting Chairman.

# DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CHEROKEE Nation,  
of Flemm (Here insert name of child.), born on the 3 day of October, 1901  
Name of Father: Steven Hawks a citizen of the Choctaw Nation  
Name of Mother: Irene a citizen of the Cherokee Nation  
Postoffice Buck I. T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Central DISTRICT. }

I, Irene Hawks, on oath state that I am 22  
years of age and a citizen, by blood of the Cherokee Nation;  
that I am the lawful wife of Steven Hawks, who is a citizen, by  
Freedon of the Choctaw Nation; that a male child was  
(Male or Female.)  
born to me on 3 day of October, 1901; that said child has been named  
Flemm, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.) { W McKinay  
her  
Fela I Moss  
mark

Subscribed and sworn to before me this 8 day of July, 1902

(SEAL)

Joe J. Courts

Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }  
Central DISTRICT. }

I, O. W. Rice, a physician, on oath state that I  
attended on Mrs. Irine Hawks, wife of Steven Hawks  
on the 3rd day of October, 1901; that there was born to her on said date a male  
(Male or Female.)  
child; that said child is now living and is said to have been named Flemm

O. W. Rice M. D.

WITNESSES TO MARK:

(Must be Two Witnesses.) {  
\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me this 8 day of July, 1902

(SEAL)

Joe J. Courts

Notary Public.

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Irene Hanks,

Wimer, I.T.  
Cherokee-D-401  
Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

FD 401

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
JUL 27 1901



ACTING CHAIRMAN.

*Deane Roberts*



Postage for private use, \$300.

OFFICIAL BUSINESS.

MUSKOGEE, IND. TEN.

Department of the Interior.

Commission to the Five Civilized Tribes.

*Wm. H. ...*

*J. B.*

*Return to ...*

Cher. Fr. R. 825

Trans. from C. Fr. D. 626.

Cher. Fr. R. 825

Continuation of taking of testimony in case of ABRAHAM  
WARD, C.F.-D.#607.

Former portion taken by Stenographer  
Bruce C. Jones.

APPEARANCES:

Mr. Mellette, of Counsel for applicant;  
Mr. W. W. Hastings, of Counsel for Cherokee Nation.

L. B. BELL, being duly sworn by Commissioner Needles,  
testified as follows on behalf of Cherokee Nation:

MR. HASTINGS: What is your name? A L. B. Bell.

Q Age? A 62; Vinita.

Q Mr. Bell, when was this ~~mix~~ railroad, M. K. & T. railroad, built  
through this country? A '71.

Q When was that first Cherokee payment made after the war? A '75.

Q Do you know whether colored people and all participated in that  
payment or not? A Yes, every Cherokee citizen and whole lot  
that wasn't.

Q That was a general payment? A Yes, that was general payment  
intended for relief fund for all people living in the Cherokee Nation

MR. MELLETTE: Did any colored people get pay at that time?

A Yes, I know two that did, they were living with me.

ABRAHAM WARD, the applicant, called, testified as follows  
in his own behalf:

MR. MELLETTE: What is your name? A Abraham Ward is my name.

Q Are you the Abraham Ward who is an applicant for enrollment as a  
Cherokee Freedman? A Yes, sir.

Q Did you know J. L. Ward who has just testified in this case?

A Yes, sir, I know him.

Q Did you ever make a statement as testified to by him that you  
came here too late to become a citizen? A No, sir, I did not.

Q Did you make statement, as testified to by him, that you came  
back in '69? A No, sir.

Q Did you hear the testimony of John Ward, the last witness?

A No, sir.

Q Did you hear his testimony? A I heard it yes, sir.

Q Did you hear a statement being said of yourself, mother ~~am~~ or  
sister to him? A Yes, sir.

Q Where is that sister? A She is dead.

Q How long has she been dead? A About 17 years.

MR. HASTINGS: When was the first time you ever saw Joe Ward  
after the war? A I saw him when the Cherokees drewed that general  
payment, what called bred money.

Q What year was that? A I don't remember just what year it was.

Q Well, that is strange? A It was in '70 though I think.

Q Where did you see him? A '78 or '9, saw him right here at Vinita

Q '78 or '9? A Yes, sir.

Q Along there, saw him here at Vinita? A Yes, sir.

Q You didn't talk with him? A Yes, we was talking about our  
boyhood times.

Q Talked to him where you had been? A No, sir, he knew where I  
had been.

Q He was your young master? A Yes, sir, he and him was about one  
age.

This Testimony will be made part of the record in cases  
D.#608, D.#610, D.#611, D.#613, D.#625, D.#618, D.#610, D.#618,  
D.#619, D.#621, D.#622, D.#623, D.#625, D.#626, D.#627

---000000000---

J. G. Rossen, being first duly sworn, states that as stenog-  
rapher to the Commission to the Five Civilized Tribes he correctly  
recorded the testimony and proceedings in this case, and that the  
foregoing is a true and complete transcript of his stenographic  
notes thereof.

Subscribed and sworn to before me this October 13th, 1901.

Commissioner.



FD 176

Continuation of taking of testimony in case of ABRAHAM WARD,  
C. P. -D. #407.

Former portion taken by stenographer Bruce S. Jones.

APPEARANCES:

Mr. Mellette, of Counsel for applicant.

Mr. W. W. Hastings, of counsel for Cherokee Nation.

L. B. BELL, being duly sworn by Commissioner Needles,  
testified as follows on behalf of Cherokee Nation: MR.

MR. HASTINGS: What is your name? L. B. Bell.

Q Age? A 62; Vinita.

Q Mr. Bell when was this railroad, M. K. & T. railroad, built  
through this country? A '71.

Q When was that first Cherokee payment made after the war? A '75.

Q Do you know whether colored people and all participated in that  
payment or not? A Yes, every Cherokee citizen and whole lot that  
wasn't.

Q That was a general payment? A Yes, that was general payment  
intended for relief fund for all people living in the Cherokee  
Nation.

MR. MELLETTE: Did any colored people get pay at that time? A  
A Yes, I know two that did, they were living with me.

ABRAHAM WARD, the applicant, called, testified as follows  
in his own behalf:

MR. MELLETTE: What is your name? A Abraham Ward is my name.

Q Are you the Abraham Ward who is an applicant for enrollment as a  
Cherokee Freedman? A Yes, sir.

Q Did you know J. L. Ward who has just testified in this case?

A Yes, sir, I know him.

Q Did you ever make a statement as testified to by him that you  
came here too late to become a citizen? A No, sir, I did not.

Q Did you make statement as testified to by him, that you came  
back in '69? A No, sir.

Q Did you hear the testimony of John Ward, the last witness?

A No, sir.

Q Did you hear his testimony, A I heard it yes, sir.

Q Did you hear a statement being said of yourself, mother or sister  
to him? A Yes, sir.

Q Where is that sister? A She is dead.

Q How long has she been dead? A About 17 years.

MR. HASTINGS: When was the first time you ever saw Joe Ward  
after the war? A I saw him when the Cherokees drew that general  
payment that called bread money.

Q What year was that? A I don't remember just what year it was.

Q Well, that is strange? A It was in '70 though I think.

Q Where did you see him? A In '78 or '9; saw him right here at  
Vinita.

Q '78 or '9? A Yes, sir.

Q Along there; saw him here at Vinita? A Yes, sir.

Q You didn't talk with him? A Yes, we was talking about our boyhood  
times.

Q Talked to him where you had been? A No, sir, he knew where I  
had been.

Q He was your young master? yes, sir, me and him was about one age.

This testimony will be made part of the record in cases  
D #408, D #410, D #411, D #415, D #425, D #416, D #416, D #416, D #419, D #421  
D #422, D #423, D #425, D #426, D #408.

oooooooooooooooooooo

F. O. ROSEN, being first duly sworn, states that as stenographer  
to the Commission to the Five Civilized Tribes he correctly recorded  
the testimony and proceedings in this case, and that the foregoing  
is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 14th, 19 01.

M. E. Kaufman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above copy of the foregoing case, and that same is a true and correct copy of the original transcript thereof.

M. E. Kaufman

Sworn and subscribed to before me this fifteenth day of July, 1902.

J. R. Ruster  
Notary Public.

File with Cherokee Freedman D-

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T. May 9, 1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Aaron Webber.

Q How old are you? A 36 I think.

Q What is your post office address? A Wymer, Cherokee Nation.

Q What district do you live in? A Cooweescoowee district.

Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.

Q Do you want to enroll anybody besides yourself? A Just myself.

Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes, sir, the Clifton Court and the Wallace Court.

Q The you apply to any other Nation, the Creeks? A No, sir.

Q Never drew any money from any other Nation? A No, sir, I didn't.

Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.

Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I ~~was~~ come with my brother Sam Webber.

Q Is your name on the roll of 1880? A No, sir.

Q Did you ever draw your strip payment money? A Yes, sir.

Q How much did you draw? A \$15.50, and then I drew this other payment, this last payment, I drew it.

Q You drew the last payment? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No. 315, Cooweescoowee district.

Q Were you a slave before the war? A Yes, sir.

Q Who did you belong to? A Takie Webber.

Q Was she a Cherokee citizen? A Yes, sir.

Q Where did you go during the war? A Went to Kansas.

Q When did you come back from Kansas? A Came back in 1866.

Q You been living here ever since? A Yes, sir.

Q Are you married? A No, sir.

Q Ever been married? A No, sir.

Q Got no children then? A No, sir, I haven't.

Q You are certain you came back in 1866? A Yes, sir, I did.

Q Who did you come back with? A Sam Webber and my father.

Q Why is your name not on the roll of 1880? A Why I can't tell you about that.

Q Did you ever try to have it put on? A Yes, sir.

Q They refused to do it? A Yes, sir, must have, for it aint there.

Mr. W. W. Hastings; attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes, sir, I did.

Q Did you come the first time he came out here? A Yes, sir, I did.

Q What time of the year was it? A '66.

Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.

Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.

Mr. Hastings: Was it the March after the treaty was made? A Yes, sir.

Q You are certain of that? A Yes, sir, I am.

Q And you came back with him at that time? A Yes, sir.

Q Did he bring his family along then? A Yes, sir.

Q His wife and children? A Yes, sir.

Q He had already been out there and put up a house? A Yes, sir, I had come out before that and I came with him, and we put up a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was made? A Yes, sir; that is when we moved there.

Q How long before that was it when you came out? A I can't give the days of the month; how long it was we came out, but we came and put up a house one fall and went back and came right on down.

Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.

Q What kind of buildings did you put up? A We put up a log cabin.

Q Out on Big Creek? A Yes, sir.

Q How far from where Sam Now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek. I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.

Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.

Q Name some old citizen who lives at the place now where you located then? A Sam Webber.

Q Does Sam Webber live at that place now? A He did live there but he don't live there now.

Q Who lives at the place Sam and you came to? A The Meigs and McIntires and Sanders, and a whole lot of them.

Q You have lived there ever since? A Yes, sir.

Q You came out in wagons the first time? A Yes, sir, because Sam Webber drove the ox wagon and I drove the horse wagon.

Q Do you know anything about dates? A I know when they say the year is out, and this year is in.

Q What year is this? A Well I am not mistaken I think this is May.

Q The year, though? A I can't tell you exactly what year it is because I am not educated like you smart men.

Q You are satisfied in '88 you came here in March? A Yes, sir.

Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the month after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No, sir, I don't.

Q Have you got any witnesses? A Yes, sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Meigs, testified as follows:

Q What is your name? A Sam Webber.

Q What is your age? A About 58, somewhere near about that.

Q What is your post office address? A Nowata.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Your name on the 1860 roll? A Yes, sir.

Q Do you know Aaron Webber? A Yes, sir.

Q Is he any relation to you? A He is my brother.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Fannie Webber.

Q Was she a Cherokee citizen? A Yes, sir.

Q By blood? A Yes, sir.

Q Where was he during the war? A He was with us in Kansas.

Q When did he come back? A He came with us when we came back in July.

Q You came in July from Kansas and he came with you? A Yes, sir.

Q That year was that last? A In 1866.

Q He was a slave the same as you? A Yes, sir, same as me, with the same owners.

Q Ought to be entitled to the same rights you have got? A Yes, sir, have just the same right, belonged to the same parties too.

Mr. Hastings: Q What time of the year was it you say you brought him back? A He came in July and built houses and went back and moved down.

Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overtook the delegates.



at Fort Scott.

Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.

Q And you came on down and he came with you? A Yes, sir.

Q Did you bring your families at that time? A I didn't have any family then.

Q The rest of the people, they come along? A Yes, sir, I was small myself, I was with father, we came and built and went and moved some of them after that.

Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.

Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day.

Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.

Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes, sir.

Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.

Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.

Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.

Commissioner: When Aaron says he came in March he is mistaken?

A He is mistaken, he don't know dates; he is not bright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Abraham Hare.

Q How old are you? A About 70.

Q What is your post office? A Wymer.

Q Are you a Cherokee Freedman? A Yes, sir, claim to be.

Q Your name is not on the roll of 1860, is it? A No, sir.

Q Were you a slave? A Yes, sir.

Q What was your owner's name? A Arlie Hare.

Q Do you know Aaron Webber? A Yes, sir.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Takie Webber.

Q Well, did you know Aaron Webber before the war? A Yes, sir.

Q Did he go out of the Cherokee Nation during the war? A Yes, sir.

Q Did you go out? A Yes, sir.

Q What made you colored people go out during the war? A We couldn't stay here.

Q Thought it was safer to go out? A Yes, sir, I had to go out.

Q Why couldn't you stay here? A They wouldn't let us.

Q Who wouldn't let you? A The Rebels and the Yankees neither one.

Q Where was Aaron Webber during the war? A He was with my father up in Kansas.

Q When did he come back? A He come back in the fall of '66.

Q How do you know? A I come with him.

Q And you came at that time? A Yes, sir.

Q Have you known Aaron Webber since that time? A Yes, sir.

Q Has he always lived in the Cherokee Nation? A Yes, sir, lives right by me now.

Mr. Hastings: Your rights are disputed? A Yes, sir, same as his.

Q You were in here this morning; your case was presented?

A Yes, sir.

Commissioner Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as Stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case; and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C. R. Brackinridge.

..... Commissioner.

.....  
Department of the Interior  
Commission to the Five Civilized Tribes  
Vinita, I. T. October, 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross  
C. R. D. 566.

Appearances:

W. V. Hastings for the Cherokee Nation  
Mollette & Smith for the applicants.

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Brackinridge, testified as follows for the Cherokee Nation.  
(By the Commission)

- Q Give me your full name? A Douglas Walker.  
Q How old are you? A 50.  
Q What is your post office? A Mound City, Kansas.



(By Hastings)

How long have you lived in Mound City, Kansas? A Since May 1857.

What was your father's name? A James Walker.

What was your mother's name? A Maria Walker.

Was your father and mother here the first of the month? A Yes sir.

They testified in this matter at that time did they? A Yes sir.

Do you know Samuel Webber? A Yes sir.

Did you know his son Samuel Webber? A Yes sir.

Where did you know them? A Near Mound City, Kansas; in the neighborhood where I live.

Do you know the applicant here? Joe Boss? A I know him as Joe Webber.

Is this the same fellow? (pointing) A Yes sir.

Where was he living at the time? A He lived with the older Sam Webber at the time.

You know this applicant here in the same party? A Yes sir.

Did you know a woman named Chloa? A Yes sir.

What relation was she to Joe Boss? A Sister.

Did you know Aaron Webber a little duck legged fellow? A Yes sir.

Where did you know him? A In the same family in Mound City, Kansas, Linn County.

Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemming.

I mean in the year 1855? A My father bought the farm.

Of whom did he purchase the farm? A Of Flemming.

Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there,

where I was living.

Did he marry before or after he moved from that country? A Before he moved.

Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.

The date of the deed? A Yes sir.

What was that date? A The date of the deed is October '56.

(By Mr. Smith) Object to that if you have not the deed.

(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.

At that time, where was Sam Webber living? A On this farm that father purchased.

Where was young Sam living at the time he married? A On this farm on the same place.

What is your best judgment as to the time Sam Webber, including Joe Boss, Chloa Grayson and Aaron Webber left that country with their women folks and came to this country? A According to my best recollection it was the latter part of February or early in March

of '57. I can't state exactly the month; early in the spring of '57 though.

Did they all move down at the same time? A All started together.

Left there together? A Yes sir.

(By Mr. Smith)

You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.

How did you know it? A I recognized his countenance as one man knows another.

How? A Well I saw him.

When? A Today.

Where? A On the street.

And you knew him as Joe Webber? A Yes sir, the name Joe Boss was not used much.

When did you first become acquainted with old man Sam Webber? A In '45 he moved on that farm.

Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.

When did your father buy that farm? A In the fall of '56. I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.

Q How do you know it was '63 that you because acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.

Q Did any come after '63? A Yes sir some came later and some came earlier, and I remember again in this farm, I remember how long they farmed it before we got it.

Q How long? A Three years--four years in the spring of '67.

Q They farmed it four years before your father got it? A They farmed from '63 to '67.

Q You say the reason you know that you know this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.

Q You say it was in September or 1867 that your father bought that farm? A Yes '66.

Q You are positive about that? A Yes sir we got possession the first of March '67.

Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemming.

Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.

Q Don't you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '66.

Q What was in the fall of '66? A That they came down here--started away from there.

Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.

Q What is your recollection as to how long they staid? A They came back I think in November or late in October.

Q Well which came back first? A Why I think the older Sam Webber came first.

Q How long do you think it was before you saw Sam Webber Jr. again? A Well it was a short time, a month or so--I can't recollect that it is a good while ago.

Q The helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.

Q Who helped him? A Then two and the little boys I think worked too, Aaron did, I don't know but as for old Joe, I don't remember much about that.

Q Where was old man Sam Webber in July 1867? A That summer he raised that crop and worked part of the summer for my father on this farm.

Q Is it not a fact that in July of 1867 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.

Q You have stated that it was a long time ago, do you think that you remember the dates absolutely? A Not to the day or month exactly, but that is my best recollection.

Q Are you testifying to the best of your recollection? A Yes sir.

Q Do you remember of Sam Webber Jr. bringing any place to that country? A Yes sir.

Q When was that? A In the fall or beginning of the winter of '66 and '67 he brought some horses and yoke.

Q To refresh your memory, was it not in March? A March when?

Q Upon what trip was that that he brought these horses? A He left and said he was coming down on a hunting trip.

Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.

Q Do you remember of Sam Webber telling you a crop up here? A I don't.

Q Do you remember or them leaving there to come to the territory to build some houses? A Yes sir.

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.

Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.

Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.

Q What dates have you looked up? A The purchasing of this land.

Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid \$80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.

Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.

Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.

Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.

Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.

Q You didn't know then did you? A Yes sir after I thought it over.

Q How long did it take you to think it over? A I dont exactly remember.

Q Can't you give us some idea of it? A 2 or 3 weeks.

Q Were you here when your father testified in this case? A Yea sir

Q Did you know as much about it then as you do now? A No sir.

Q How long was that from the time you had first been spoked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.

Q What were you doing here then? A I was subpoenaed in another case.

Q You had been talking about this case then? A Not much.

Q How much? A A word or two.

Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.

Q You went back to Kansas? A Yes sir.

Q And came back here again to testify? A Yes sir.

(By Hastings)

Q You were subpoenaed by the Cherokee Nation? A Yea sir.

(Continued by Stenographer J. O. Rossen)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.



-8-  
The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 14th day of August, 1902.

Samuel G. Jones  
Notary Public.

Before Commissioner Breckinridge, at Fairbury, I.T., Supplemental C.F.D. #389, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer V.O. Rossen, and afterwards dictated by him to stenographer M.D. Green.)

--000--

HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Henry C. Short.  
 Q How old are you, Mr. Short? A 45.  
 Q What is your post office? A Mound City.  
 Q In the Cherokee Nation? A In Kansas.  
 BY MR. HASTINGS:  
 Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1887.  
 Q What was your father's name? A John Short.  
 Q Were you living there in the years '66 and '67? A Yes sir.  
 Q Were you living in town or in the country? A Living in the country.  
 Q Do you know Douglass Walker that left the stand? A Yes sir.  
 Q Did you know a colored man by the name of Sam Webber up there?  
 A Yes sir.  
 Q Do you know that young Sam Webber, his son? A Yes sir.  
 Q Do you know Joe Ross? A Yes sir.  
 Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.  
 Q Have you talked to him? A Just spoke to him.  
 Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.  
 Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir.  
 Q Where did you live in the spring of '66? A In Lin County, on Elk Creek, in Kansas.  
 Q Did you live on the same place in the fall of '66? A Yes sir.  
 Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.  
 Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I won't say which, along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.  
 Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoining farms of ours.  
 Q Were they living there when you moved? A That fall.  
 Q Yes sir? A They were living there then.  
 Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.  
 Q February now of that year? A Of '67. I would say that, but now I am certain, I ain't got no opinion about what time they left.  
 BY MR. HASTINGS: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.  
 Commissioner: We will take it for what it is worth and let the Commission pass on it.  
 BY MR. HASTINGS:  
 Q That is your best judgment? A Yes, sir.  
 Q That is your best recollection? A Yes, response.

Joe Rose (sup'1) 6

Q You said I believe you knew they were there in the fall? A Yes sir, that is all I can state positively. I don't know how long they were there.

Q You know that by your move? A Yes sir, that is the one thing I have got you know.

Q Do you know Joe's sister, Chlorea? A Yes sir, there was a girl there called Chlorea, I supposed it was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you in '65? A About 13 years old, September 5, 1866.

Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?

Q Yes? A I think it was last Sunday.

Q Well you didn't know did you? A No, I don't know yet what day he left there at all.

Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.

Q Where was Sam Webber, Jr., in February 1865? A I don't know.

Q Where was he in October, 1865? A He was on the creek.

Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall, and the whole family was all there in the fall.

Q That was in the fall of 1865 was it? A Fall of 1866.

Q I am talking about 1865? A Well they was there too.

Q Did you see him? A Yes, of course they was there.

Q Of course, well how do you know, did you see him? A Yes I saw him.

Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know, he worked some for us.

Q Did he work for you in the fall of 1865? A Worked for my grandfather some.

Q That young Sam Webber? A Yes, sir.

Q You say you knew young Sam Webber, the youngest of the two?

A Yes, sir, I knowed young Sam and old Sam too.

Q Did you know young Sam Webber, called Sam Webber, Jr.? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.

Q What did you say about his being a boy? A I suppose he was a young man; I couldn't say as to that.

Q What about Joe Rose, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. I don't much difference in the ages, but I think he was younger than me.

Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall?

A I think not, I don't think they did, they was there in '65, but they was going and coming all the time, they come down in '65 and located.

Q They came in 1865 and located? A Yes sir, but they come back and got their family.

Q Now you know only that they were there in 1865? A I know they were there in '65.

Q You don't know what time in '65 they were there? A They were there before '65.

Q Well I am talking about '65, were they there in the spring of '65? A I couldn't say what time of the year, I think they were there all the time.

Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.

Q Do you remember Sam Webber Jr. and Aaron Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '65 I think, directly after crops was made; they come down here and they went back up there together in the fall.



Joe Rows (sup'l) 7.

Q Well did they ever come back together? A I don't know whether they did or not; Aaron didn't come back I don't think.

Q What about Sam Jr., did he come down with his father? A Yes sir, I don't know whether Aaron came back or not; I know Sam and the old man came back and got the family.

Q Do you know that they came back together? A Yes, I am pretty sure that they came back, I know I was there afterwards.

Q Do you remember of Sam taking Jr. even bringing any action into the country? A No sir, I don't remember; I remember Sam telling me he had his cabin up.

Q When did he tell you he had his cabin up? A In the fall of '66.

Q He has been down here in the fall of 1866 and had built a cabin? A Yes sir, he told me he had his cabin built.

Q And now that I shall have when they took all the people out you think was in that time? A I don't know, but it was in my mind.

Q February or March; I want say anything about that.

Q What year? A '67.

Q You say you won't say anything about that? A I don't know whether it was or not.

Q You don't know whether it was or not? A No sir, that is a fact; but it was in my mind it was.

Q There was Sam Pepper during the winter of 1866 and '67, the winter that commenced with December, 1866 and ends with February 1867? A I think he was there.

Q Well, did you see him there? A Yes, I think he was there pretty much all the time.

Q Well do you know it? A I got no way to fix it; that's my opinion as was there.

Q You can state it positively that he was or was not? A I know most of them was there and I believe he was too.

Q You don't state that positively? A No sir, not unless I got some thing to fix the date.

Q You agree say that? A No sir.

Q Now can you remember about Sam Pepper coming up there in the spring of 1866 and breaking out head head? A No sir, I can't remember; of course there is a long time ago; now I have got these things mixed in my head that was in the fall of '66 I was moving from the east to the other, and that was in the fall.

Q You don't go out of that? A No sir, just moved from the west to the east side.

Q And you were a boy about 15 years old? A Yes sir.

Q What is there in that of the time it was in 1866? A I don't know more than you know; I don't know as much as you the things that happened, but I know it was in the fall of '66 and that was the time I know it was 1866.

Q Now about that now about the family in the family? A There was a young man died in the family.

Q I know it much, have been there, but I don't know the name and house, but he didn't live.

Q You don't seem to be positive? A No sir, I don't know.

Q I don't know the family name? A No sir, I don't know.

Q I don't know the family name? A No sir, I don't know.

Q I don't know the family name? A No sir, I don't know.

Q I don't know the family name? A No sir, I don't know.

Q I don't know the family name? A No sir, I don't know.

Q I don't know the family name? A No sir, I don't know.

Q I don't know the family name? A No sir, I don't know.

Exhibit 11) 2

Q Give me your name, Madam? A Mary A. Hicks is the way I sign my name.

Q How old are you? A If I live to the 21st of next month I will be 67 years old.

Q What is your post-office? A Mantoy.

Q Is that in Kansas? A Yes sir.

BY MR. HASTINGS:

Q How far do you live from Mound City, Kansas, Mrs. Hicks? A I live six miles.

Q How long have you lived in that neighborhood? A Ever since the spring of 1857.

Q You were living there then after the war? A Living there in the time of the war.

Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.

Q Do you know Mr. Short that left the stand here? A Yes sir.

Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.

Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.

Q Did you know his son, young Sam Webber? A Yes sir.

Q Well did you know a little short one called Aaron Webber? A Yes sir.

Q Did you know a boy called Joe Ross? A Yes sir.

Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.

Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.

Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.

Q What was the date of it? A The date of the death?

Q Yes, madam? A Well it was October.

Q Did you make any record of it in your Bible? A Yes sir.

Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.

Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.

Q You haven't got your specs? A No sir.

Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1864." A Yes sir.

Q And under the column of deaths appears: "Died October 23, 1866." A That is correct.

Q Who was Franklin Hicks? A He was my son.

Q Do you know where Sam Webber was when your son Franklin died? A No sir, I could not tell you.

Q Don't know? A No I don't; you mean this Sam?

Q That man? A Oh, the old gentleman; he lived up there or he I think; I am most positively he lived there then.

Q Do you know where his wife was? A His wife died there.

Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Rhoda, living.

Q She was living? A Yes sir.

Q Was she a member of this family? A Yes sir, she lived there with them.

Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several times, and if it was a bad night and she saw no one come in she would come and sit up with me.

Q Did you know a sister of Joe's called Chisum? A Yes sir.

Q Now I would like to have your best judgment Mrs. Hicks as to the time Old Sam Webber moved with his family and children from that country? A

~~See Book 100, Page 10~~

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.

COMMISSIONER: I understand the question to be her best recollection.

A It has been a long time you know.

Q Well, answer the question? A About him being there?

Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A -

OBJECTION to by applicant.

A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and Uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.

Q Well now that would be February of what year? A It would be '67 wouldn't it?

Q You lived then about 175 yards of them? A Yes, sir, I could hear them sing over there and hear them laugh and talk to my house.

Q On whose place were they living? A Well they was living on Mr. Walker's place then.

Q Had he recently purchased it? A Yes sir.

Q Do you remember who he purchased it off? A I think it was a man by the name of Fleming; I think it was Fleming owned it.

BY MR. SMITH:

Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question

Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while, I couldn't tell you.

Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I ain't mistaken.

Q And you know these Webbers were living on the Walker place?

A Yes sir.

Q Well now what in your best recollection as to how long Mr. Walker had owned that place? A I don't know; I want to pretend to say anything I don't know, I don't want to meddle with, I didn't come down here to originate or anything about it; I want to tell the truth as far as I can.

Q Where was young Sam Webber in December, 1866, and in January or February of 1867? A I could not tell you where he was; I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.

Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; this one?

Q Yes? A I don't know.

Q He was not there was he? A I don't know, I couldn't say as to that.

Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here; I don't know, I want be positive, I guess though it was in '66.

Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.

Q Don't know? A No I don't, but I recollect about it; he brought me back spice wood and sassafras root.

Q Do you remember young Sam bringing some birds to the community?

A No sir, I didn't charge my mind with anything like that.



Q Well now give me some idea of a time when the first off was  
Sam Webber started off on this trip. A I don't know. I don't know  
what you testified about? A Say I don't know. I don't know the date  
or month.  
Q You didn't know whether it was fall, summer or spring? A No sir,  
I don't.  
Q Well how is it you have no idea of this very time  
that you mention he was there? A I don't know. I don't know  
he was there when that was. A I don't know. I don't know.  
Q And you don't know how long he was there? A No, they went along  
the latter part of the winter, but I don't know what time; I think  
though it was in February or March.  
Q You couldn't be positive whether it was February or after Christ-  
mas could you? A I don't think it was before Christmas.  
Q You don't think that was? A No I don't, for several facts.  
Q You can't state positively whether it was before or after Christ-  
mas, you can't answer it? A I wouldn't want to answer it either way.  
Q Where did you move from this place then you live? A Where did I  
move from?  
Q How long have you been living at this place now where you lived  
when your child died? A I have been living on the place ever since  
the spring of '57.  
Q About how long did you remain on the place? A I stay there yet,  
when I am at home, my husband is dead.  
Q Do you know how many trips Sam Webber made to the Cherokee Nation  
before this time that he came away from there the last time? A No  
sir, I don't.  
Q You know of his coming one time? I know him and his father and  
I think Aaron, and I don't know whether Joe was along or not.  
Q Well to this Joe? A Well of course, oh that one, Joe Webber,  
that one sitting there?  
Q Yeah? A I think it is.  
Q Which one of them don't look familiar? A That one, he was noth-  
ing but a boy when I knew him.  
Q Which one, the one right here, the black one? A Yes sir.  
Q What is his name? A Joe is always called him.  
Q And that is this man right here? A Sam, that is the way we always  
called him.  
Q You think that is the man you knew up there in Kansas? A This  
one? A I don't know, he says it is; he was nothing but a boy when I  
knew him.  
Q You don't recognize him then? A Well, I wouldn't know; he says  
he is the man; I used to think he was a good boy when they lived  
there, but then he had got a one or two things.  
Q You don't know where old man Sam was in July '60 at your  
place? A No sir.  
Q You remember anything about your father coming for the old  
man and the family in July 1860? A I don't know. I don't know  
them but they didn't come down here.  
Q You don't know when they did? A I don't know. I think they came  
sometime in the latter part of the winter, but I say I could not  
be certain what month it was, I don't know if it was February or March.  
Q You won't be certain it was either of those? A I say they left,  
I was there and saw them start.  
Q You would be certain it was either February or March? A I think  
they did.  
Q You think so? A Yes sir.  
BY MR. HASTING:  
Q I was going to ask you if you knew about your son Webber's  
marriage? A They said he married, I don't know if it was.  
Q Did you hear of his marrying? A I don't know.  
Q Was that before or after he died? A It was when they left.

JANE SPEARS, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Jane Spears.  
 Q How old are you? A I am 46 years old.  
 Q What is your post office? A Mound City.  
 Q In the State of Kansas? A Yes sir, Mound City, Kansas.

BY MR. HASTINGS:

- Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?  
 A Yes sir.  
 Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.  
 Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.  
 Q You moved a mile north of your mother? A Yes sir.  
 Q Do you know Douglass Walker? A Yes sir.  
 Q Do you know Henry C. Short? A Yes sir.  
 Q Do you remember at an early date just before the war some colored people that lived up there; one of them by the name of Sam Webber?  
 A Yes sir.  
 Q Do you remember his son Sam? A Yes sir, I know him.  
 Q Were you living with your mother at that time? A Yes sir.  
 Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.  
 Q Have you seen any of these parties since you have been here this time? A I met them to-day.  
 Q Talked with them some? A Well I just spoke to Joe; Sam I did not.  
 Q Did he recognize you? A Well he let on as though he did; I don't know that he did; I suppose he heard we were here.  
 Q I will ask you if this is your mother's family Bible? A Yes sir.  
 Q That is the family record of the births and deaths? A Yes sir.  
 Q I will ask you if you had a brother by the name of Franklin Hicks?  
 A Yes sir.  
 Q Do you remember the date of his death? A Yes sir, October 23, 1866.  
 Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.  
 Q About how far from your mother's? A About 178 steps I suppose, in a cabin.  
 Q Short distance? A Yes sir.  
 Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.  
 Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A

BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.

COMMISSIONER: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.

- Q My best recollection is that it was in the spring of '67, either February or March.  
 Q Did you know whether or not young Sam Webber married up there?  
 A Yes sir.  
 Q Did you know whether that was before or after they left there?  
 A That was before they left there.

BY MR. SMITH:

- Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

- Q Fall of what year? A '66, but I don't know the month.
- Q How do you remember your trip to the time Sam Webber came with reference from this trip last year? A I don't know when they returned.
- Q Are you sure of that? A Yes, they came together.
- Q Where was Aaron Webber, did he come with them? A I don't remember very much about him.
- Q You don't remember whether he did or not? A No, I won't be positive whether he came with them or not, when they came after their claims.
- Q Do you know whether the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
- Q Either summer or fall? A Yes sir, sometime along in the summer or fall.
- Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
- Q Made a crop in '66? A '66.
- Q What did he do with that crop? A I suppose he put it up here, disposed of it.
- Q Do you know whether he sold it or not? A No I don't know whether he sold it or not, I think they fed it to their stock before they left.
- Q Where was Sam Webber Jr. in December 1867? A I don't know where he was at.
- Q Where was he in January and February of '68? A January or February of '68, I can't say.
- Q Where was he in July of '68? A I don't know where.
- Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '68? A No sir.
- Q Do you have any recollection of Sam Webber coming there at any time with any hides, bear hides or any kind of hides? A No sir.
- Q Where was the old man Webber living in the year of 1868? A He was there living close to my mother's farm I speak of.
- Q In 176 steps of you? A Yes sir.
- Q And you don't remember of his coming there at any time off of a trip except the time he came back on his father's? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts.
- Q Now what makes you think it was in January or March '67 that these people left there? A Well I don't know, I believe that around March about the 15th or 20th, I don't know, and the horses were trapped.
- Q The 15th? A There was a day, I don't know.
- Q Did what? A Trapped for good that day, and the patch of cane where we had, left the road on the road.
- Q That the winter that commenced December and January, December, '66 and February '67? A It was all in the month of January.
- Q Well the winter is pretty well over by the last day of January isn't it? A Not always at all.
- Q Well the bigger part of it, two months is gone isn't it? A No sir, not in our country.
- Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have much.
- Q So that as a matter of fact the fact that they stayed there in your place during the winter would not of it? A No, I believe that they didn't leave there until February or March.
- Q Now in what way do you fix the date, you speak of your people there, is that the way you fix the date, by what? A No, I fix it by memory, of course that is the way by the people, of course that is the way they fix the date in the family way, I don't know.



Joe Ross (Jury #1) 12

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.

Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.

Q When was that? A That was the first time they came down.

Q When was it? A That was in '66.

Q What month? A I don't know.

Q Can you state within two months of the time? A No I don't know as I could.

Q Can you remember that as well as you could the other time? A (No response).

Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.

Q What was it, sassafras roots? A Yes sir.

Q That must have been in the spring? A I don't know.

Q Well they don't make sassafras in the fall? A We used it for tea

Q It was not in the spring at all Sam Webber brought the sassafras?

A No sir, it was not; he didn't bring it at all; the old gentleman brought it.

Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.

Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.

Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.

Q Now who else was there? A Ohlers was there.

Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.

Q Well now what I want to know, who was there except this woman, Rhoda? A I don't know anything about that.

Q You don't know? A No sir.

Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.

Q All you knew of? A Yes sir.

Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.

Q Now, when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?

Q Yes? A I don't know as it was, I suppose about the time.

Q Well about when, do you know who wrote that? A I know who wrote that?

Q That is what I am talking about? A This was drawn off from another Bible.

Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you?

A No sir.

Q You don't know that this is in the same handwriting? A No sir, it is not.

Q Now who wrote that date, October 23, 1866? A Fark Nichols.

Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.

Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.

Q It was in there long before any investigation came up wasn't it?

Joe Ross (sup'l) 14

A Yes sir.

BY MR. SMITH:

Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.

Q If they came here you didn't miss them? A No sir.

MARY A FLOCKS, re-called for additional cross examination.

BY MR. SMITH:

Q Mrs. Flocks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.

Q Was it put there at or about the time he died? A Why it was not long after he died.

Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.

Q Well was it as much as a month? A I won't say sir.

Q You can give some idea? A Well I tell you now, I won't say anything when I don't know anything.

Q I thought probably you might know better than I do, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.

Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.

Q What was his name? A His name was Nichols.

Q Do you remember how long after your child died before Nichols went to work for you? A No sir.

Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?

Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.

Q Do you think it was as much as two years? A No sir.

Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now, afterwards this young man was breaking prairie and of course he broke it in the winter.

Q Was this the first place it was made where it was made here in this Bible? A Yes sir.

MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.

COMMISSIONER: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.

BY MR. HASTINGS:

Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.

Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.

Q You so stated? A Yes sir.

BY MR. SMITH: I object to that; it is leading.

BY MR. HASTINGS:

The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-278, be made a part of this record in this case.

COMMISSIONER: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedman Doubtful case 416, the same being the case of Chisler Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 416, the case of Aaron Webber, and in Cherokee Freedman Doubtful case 350, the same being the case of Joe Ross.

It is further ordered that a set of all the testimony

given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-350, of Joe Ross, and in Cherokee Freedman D-498, of Chloa Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him from the stenographic notes of JOHN O. Rossen, by said Rossen, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 16th, 1901.

J. C. Starr,

Notary Public.

SEAL.

191. With Cherokee Freedman D-

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., May 23d 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A Elizabeth Meigs.  
Q How old are you? A I don't know my age.  
Q About how old are you? A I was four years old when we came here with the old settlers.  
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.  
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.  
Q What is your past office? A Centralia.  
Q In what district do you live? A Cooweescoowee.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.  
Q Who do you want to have enrolled besides yourself? A My children.  
Q Have you any children under twenty-one years old? A No sir.  
Q They will have to apply for themselves then. A (No response).  
Q Have you a husband? A No sir he is dead.  
Q Then you only apply for yourself? A Yes sir.  
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.  
Q How long have you been called Meigs? A Ever since I was nothing but a girl.  
Q Were you married to a man named Meigs? A Peter Meigs.  
Q Is he dead? A Yes sir, five years ago in September.  
Q Was he a Cherokee Freedman? A Yes sir.  
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.  
Q To whom did you belong? A Reuben Driel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

- Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:

Page 178, No. 2458, Alice Sanders, Cooweescoowee district.

The 1906 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q Did you draw your Cherokee strip money? A Yes sir.

The Keras-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 100 No. 2512, Alice Meigs, Cooweescoowee district.

- Q Did you ever go by the name of Daniel? A Yes sir then was my owners.



The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:  
Page 182, No., 40, Elizabeth Daniel.

NOTE: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:  
Page 131, No. 2748, Elizabeth Meigs, Cooweescoowee district.

- Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
- Q When did you come back? A In the winter of '66.
- Q What time in the winter? A Well it was in the winter.
- Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
- Q When did he bring you down? A In the winter after he went from here on Big Creek.
- Q He came ahead of you then? A Yes sir.
- Q What time did he leave Kansas? A I cannot tell you when he first came.
- Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
- Q Did he leave Kansas in the winter? A Yes sir.
- Q Was he down here when Christmas came? A Yes sir.
- Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
- Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
- Q How long after Christmas before you and he started down here together? A Directly after.
- Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.
- Q What members of your family came down with you and your husband? A These children.
- Q Did you bring your child Alice Sanders with you? A Yes sir.
- Q All the children? A Yes sir.
- Q Can you explain why you are not on the roll of 1860? A No sir.
- Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

- Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
- Q Where were you living in Kansas then? A Fort Scott.
- Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
- Q Was it as much as a couple or three weeks? A Yes sir I guess so.
- Q And then you started down here? A Yes sir.
- Q Was it in the spring of the year when you reached here? A No sir in the winter.
- Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there warent no buds nor nothing on the trees, it was winter I tells you.
- Q You all came in wagons did you? A Yes sir.
- Q Who came with your husband down here when he first came? A Old man Mike Sanders.
- Q Who else? A Reuben Sanders.
- Q Who else? A Daniel Sanders.

- Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.
- Q Any other Webbers? A Aaron Webber.
- Q Did any one else come down? A I don't remember any one else now.
- Q Were you there when they started down? A We all come together I am a telling you.
- Q But I mean when your husband come on in advance of you. Who came with him then? Did there parties that you have named come with your husband when he first came down? A Yes sir.
- Q You were at Fort Scott then? A Yes sir.
- Q And they all started together? A Yes sir.
- Q These that you have named are all the you can think of at the present time? A Yes sir.
- Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
- Q And after Christmas you all came down did you? A Yes sir.
- Q Did you come in wagons then? A Yes sir.
- Q Did you come by a little place called Chetopa? A Yes sir.
- Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
- Q And you are living there yet? A Yes sir, that old house was built in '66.
- Q What house? A That one we is living in.
- Q And you are living at the same old place? A Yes sir, in the same old house.
- Q On what creek is that? A Big Creek.
- Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
- Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
- Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
- Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
- Q You all came back together? A Yes sir.
- Q Now Auntie, did any additional people--any other families come down with you? A I don't know who all come down, I am just a telling you what I know.
- Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all come with you? A Yes sir.
- Q Did Aaron Webber come? A Yes sir.
- Q And your family? A Yes sir.
- Q Are there any that I missed? A That is all that I gave you.
- Q Is that all that come? A Aaron Wright come with us.
- Q Who else? A (No response)
- Q Were there any others at all? A I am a telling you all that I can think of now. It has been a long time for an old woman like me to remember all that come.
- Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
- Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
- Q Who? A Lucie Riley was there on Verdigris, but not there we was living.
- Q How far from where you settled? A I don't know how far.
- Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
- Q Were they the Cherokee residents at you at that time? A Yes sir.
- Q Were there any Delaware Indians there when you come there? A No sir I never see none.



Q Any Osages? A No sir, never saw none.  
Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.  
Q And you have been there ever since? A Yes sir, ever since we moved there.  
Q You say your husband Peter Meigs built a house there? A There a log house there and he bought the house and we moved to it.  
Q Who built the house if you know? A Harry Harold.  
Q Was he a colored man? A Yes sir.  
Q Is he living? A I don't know if he is or not.  
Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.  
Q They didn't admit him then did they? A I don't know sir.  
Q You know he was disputed? A I don't know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court or Commission? A I don't understand what you say.  
Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.  
Q I mean in court? A That is what I am telling you.  
Q You know what a court is don't you? A Yes sir.  
Q What court do you know? A Karna Blington court.  
Q Any other court that you know of? A I know of the Wallace court.  
Q Any other? A No sir.  
Q Did he ever have anything done about his case by the Cherokee Council? A I don't know what was done, my man went there every year or two but I don't know what was done there.  
Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.  
Q Have you any witnesses with you that you want to introduce? A Yes sir.

ROBERT SANDERS, called and sworn by Commissioner D. E. Breckinridge, testified as follows on the part of the applicant.  
Examined by the Commission:

Q What is your name? A Robert Sanders.  
Q How old are you? A I suppose I am about 50.  
Q What is your post office? A Centralia.  
Q How long have you lived in the Cherokee Nation? A All my life.  
Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.  
Q Who did you belong to? A James Sanders.  
Q Were you taken to Kansas during the war? A Yes sir.  
Q You have a wife named Alice have you? A Yes sir.  
Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified therein as follows:

Page 175, No. 3457, Robert Sanders, Osage County District.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.  
Q What court? A The Chambers court.  
Q Is that the only one? A Yes sir that is the only one, I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.  
 Q In what year was that? A I cannot tell what year it was.  
 Q Your citizenship had been disputed had it? A Yes sir.  
 Q When was your right to citizenship first disputed? A It was during the time that Thompson Oakes was chief.  
 Q Was that before the 1880 roll was made? A Yes sir.  
 Q Did the court decide in your favor? A Yes sir.  
 Q Was there any dispute made then about your being put on the 1880 roll? A No sir.  
 Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1897? A No sir.  
 Q Did they ask you any questions when you went to be enrolled in 1897? A No sir.  
 Q Where did they take your name? A I was in Coconock Bend, at the time.  
 Q Do you know the applicant Elizabeth Heige? A Yes sir.  
 Q Your wife is her daughter? A Yes sir.

By A. W. Hastings:

Q Peter Heige's citizenship was disputed the same time yours was? A Yes sir.  
 Q Did he go before the court at the same time? A No sir, I think not.  
 Q His wife's citizenship was also disputed? A I judge so.  
 Q Did she go down before that court? A Not to my knowledge.  
 Q Did he go down to Tahlequah to the court before that time? A Yes sir. I think he went down to the Bob Daniels court, I think he went with my father.  
 Q Was Bob Daniels Chief Justice of that court? A Yes sir.  
 Q Just a few years after the war? A Yes sir.  
 Q In 1871 wasn't it? A Yes sir.  
 Q Was any action taken in that court? A I don't know.  
 Q You were not there yourself? A No sir.  
 Q You were about 15 or 16 years old when you were born? A Yes sir.  
 Q I guess so, I don't exactly know how old I was.  
 Q You were not married then? A No sir.  
 Q How long long after you got back here did you marry? A Not very long after I got back.  
 Q Did you marry on your way down here? A No sir.  
 Q How long had you been here before you married? A I have been married twice.  
 Q How long had you been here before you married the first time? A Not very long.  
 Q As much as a year? A Maybe so.  
 Q Is that your best judgment? A My best judgment is perhaps that it was that long.  
 Q When were you married to your present wife? A Upwards of 30 years, or so.  
 Q How long did you live with your first wife? A Not very long, she died.  
 Q A year? A Perhaps it was, maybe a little longer.  
 Q Then you married your present wife? A Yes sir.  
 Q When you came to the Garroks Station how did you come the first time? A In wagons.  
 Q The first time? A Yes sir.  
 Q Who came with you? A Several men on horse-back, it is beyond my knowledge how many there were.  
 Q Well, you can remember? A I was a trip in August and one in October and then we moved here in the winter.  
 Q Did you come in August? A Yes sir.  
 Q The men with you then? A Some of this family, Peter Heige and got the places, the heads of these families.

Q Who came with you? A My brother Dan and the Whitelaws.

Q Several.

Q A Moose and Benaim, and the Webbers.

Q A Old man Sam and younger Sam and little Aaron, and the Thurman, and Art Hall, and I don't know who else, I who all come.

Q When you came in October? A I don't know who all come at some crowd and some more come in October.

Q Were there any additional persons? A To the best of my knowledge, no.

Q What is the first name? A Old man Caesar Smith.

Q In both of the detachments yourself? A No sir.

Q How did you come in? A I came in August.

Q Did you come in October then? Yes sir, I came when we first started some of our farming utensils when we come in to get the on the creek.

Q Did you? A Yes sir.

Q Are Moises alive? A Yes sir.

Q You returned in October, how long did you stay in October.

Q Didn't return in October, we didn't all go back, some

of us stayed, some came and some came back, some of us brought

our things to us and some came to look out homes, we all come with our things to our homes here.

Q Did you all move here the last time? A In the winter

of '03 is when we come down here the last time.

Q What time in the winter? A Long in January.

Q You mean in '03?

Q No in the winter of '03.

Q If you came here in the August and October of '03 and they returned for your families and come back here in the following winter, in the following January or February, what would be in '07? A I don't understand you, we came here in the winter of '03 is what I said, in January after we had first been here in August and October, we came right to where Moises is living now.

By the Commission:

Q You say you first came here in August of '03? A Yes sir.

Q That was your first coming was it? A Yes sir.

By the Commission:

Q When you moved here permanently, tell all that you possible can remember of the names of the families that came with you in the January or February following?

Q Yes sir, one, how many families, Peter, George, Harriett, George, and I don't know the names of that family.

Q With only of that family, there were other families?

Q A Old man Billie Brown.

Q How many? A He had several children.

Q Names of families I mean? A Yangle Sanders, I don't recall.

Q I don't know as I can call the names of all of them.

Q Of the Webbers family? A Yes sir.

Q How many and your name? A Yes sir, I would not pretend to

call all over as I had forgotten them Webbers and so I don't

know for if I has forgotten them I don't think I can remember any

of the others.

By the Commission:

Q How did you know the names? A Yes sir.

Q How did you know the names? A Yes sir.



Q Don't you remember any one else? A Rachel Jones.  
 Q Do you think of any one else? A No sir.  
 Q You know that it was a mooted question before the Keras Clifton Commission as to the case at this time and as to when you came? A. I haven't been interested as to anyone except for myself.  
 Q You know that there is a question about who came don't you? A Yes sir I guess I do.  
 Q You say you came to Big Creek? A Yes sir.  
 Q Did you come by the way of Chetopa? A Yes sir I guess that we did. I don't know that they called it Chetopa then, there was a house on so there.  
 Q Did you cross the river there? A What river?  
 Q Neesho? A No sir.  
 Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.  
 Q You came through what is Chetopa and came on west through the prairie? A We may have.  
 Q You were in wagons? A Yes sir.  
 Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.  
 Q Were there any houses there except those that your crowd built? A I don't know of any houses, but there were foundations for them on Big Creek.  
 Q Then the houses were not built before you moved there with your families? A Yes sir some were, there were logs on some up 8 or 10 logs high.  
 Q Then there were none really completed until you moved there with your families? A No sir.  
 Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plow and hoe.  
 Q Do you know Jim Martin? A Yes sir.  
 Q How far does he live from you now? A 4, 5 or 6 miles.  
 Q Was he living there when you people moved there? A No sir.  
 Q He had a brother named William Martin? A Yes sir.  
 Q Was he living out there then? A No sir.  
 Q There was an old man by the name of Carter living out there then, wasn't there? A No sir, there was an old man named Carter living 20 miles perhaps from there quite a while after he came there.  
 Q Was his name Dick Carter? A I think it was.  
 Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He came some time after.  
 Q Do you know if that ferry that you crossed the Neesho river was called Gilstrap ferry? A No sir we never crossed on Gilstrap ferry.  
 Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you came to the Cherokee Nation after the Civil war closed was in August of '86?  
 A Yes sir.  
 Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.  
 Q You didn't bring your families with you then? A Only part of them and some things that we had.  
 Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you? A No sir.

Q Did Peter Meigs bring any of his family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Kansas? A I think with my father.

Q You came yourself in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q Then you returned to the Cherokee Nation again in October? A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir, not all of them came in October.

Q Where was Peter Meigs in October? A He came with us at each trip.

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October? A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That made the second time that Peter Meigs had been here? A Yes sir.

Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I don't exactly know where he was in Christmas of '66.

Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.

Q How far apart? A Two or three hundred yards apart.

Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.

Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.

Q You staid here then? A Yes sir.

Q When did you come? A In the winter.

Q Was it in February? A Must have been in December.

Q What about that February trip you spoke of? A It was in the winter some time, snow on the ground.

Q Did your father come at that trip? A Yes sir.

Q Your mother? A Yes sir.

Q Peter Meigs? A Yes sir.

Q His wife? A Yes sir.

Q That was your third trip? A Yes sir.

Q Was that your last trip? A Yes sir.

Q When did your wife Alice come? A Come then.

Q On that third trip? A Yes sir.

Q You say Peter made all three trips with you? A Yes sir.

Q Every time you came he came? A Yes sir.

Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.

Q Did he go there by himself? A No sir.

Q Do you remember distinctly that you came here in August the first time? A Yes sir.

Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.

Q Do you remember distinctly that he come with his family when you made your third and last trip? A Yes sir.

Q With his family? A Yes sir.

by Com'r Breckinridge, -

The applicant states that she was born in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerne-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

#####

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at  
Chelsea, I. T.

T. B. Needles,

Commissioner.



SUPPLEMENTAL:

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;  
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.  
Q How old are you? A I am only about 50 past.  
Q You gave testimony just now in the case of Elizabeth Meigs?  
A Yes sir.  
Q And you want to correct a statement you made there? A Yes sir; I wish to make the statement that it was in January, 1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.  
Q How do you find out now it was January instead of February?  
A It was just after Christmas that we was on the road coming down.  
Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.  
Q Where did you say that killing took place? A In Kansas.  
Q Fort Scott? A Yes sir.  
Q And the man that was accused of the killing was named what? A Named Mackey.  
Q You remember his first name? A No.  
Q You remember the man who was killed, you get his first name? A No sir I don't not.  
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.  
Q You know what county Ft. Scott is in? A No sir.  
Q Who called your attention to this error? A I thought so myself; I called my own attention to it; I was studying over it, I did.  
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the data in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this May 23, 1901.

O. R. Breckinridge,  
Commissioner.

File with Cherokee Freedman D-391, Elizabeth Neige

Department of the Interior  
Commission to the Five Civilized Tribes,  
Vinita, I. T., October 15, 1901.

In the matter of the application of Elizabeth Neige et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;  
J. B. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Ninth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT NEIGS, being duly sworn by Commissioner Needles, testified as follows.

Q. Mr. Davenport, what is your name? A. Robert Neigs.

Q. Where do you live? A. I live five miles southwest of Tahlequah.

Q. What is your postoffice? A. Park Hill is my postoffice.

Q. How old are you? A. I am 56 my next birthday.

Q. How long have you lived in the Cherokee Nation? A. I have lived here all my life except a little while time of the war, from '84 to '66.

Q. Did your people own any slaves before the war? A. Yes sir.

Q. Do you know whether they owned a woman by the name of Elizabeth?

A. No sir.

Q. Do you know whether or not they owned her mother, or anybody of the family? A. Elizabeth, no, sir.

Q. Well, did you know Peter Neigs? A. Yes sir.

Q. Do you know what his wife's name was when the war broke out?

A. Betsey they called her.

Q. Well, was she living, Betsey, at this time the war broke out?

A. Yes sir.

Q. Well, did you ever know her by any other name than Betsey?

A. Bettie.

Q. Where was Peter Neigs and his family at the breaking out of the war? A. Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Hills on the Arkansas line.

Q. Well I wish you would look at that woman there and see if she is the woman you knew as Betsey or Bettie or whatever you knew her by. (indicating applicant) A. Yes, I think that is the one. I have never seen her but once.

Q. That is since the war? A. I just saw her once in my life and that was time of the war, after the war.

Q. Did you ever see Peter Neigs and his family after the war? A. Yes sir, saw Uncle Peter.

Q. What year was that? A. Some time after '71.

Q. What were the circumstances as to your seeing him or meeting him?

Q. Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.

Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family was with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Well he said that he had come down to make him a place somewhere up here on the Verdignis, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-395, D-398, D-404, D-402, D-401, D-407, and D-275, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones,

Sworn to and subscribed before me this 7th of November, 1901.

J. R. Gooden,

Commissioner.



File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior  
Commission to the Five Civilized Tribes  
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Apparances:

L. T. Brown, agent for applicants;  
L. E. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.  
Q What is your age? A About 59.  
Q What is your postoffice address? A Centralia.  
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.  
Q Does your name appear upon the authenticated roll of 1880?  
A I think it does.  
Q You know Elizabeth Meigs and George Meigs? A Yes, sir.  
Q What relation is George Meigs to Elizabeth Meigs? A Her son.  
Q Did you know Peter Meigs during his life time? A Yes, sir.  
Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.  
Q When did they return to the Cherokee Nation? A They came in '66.  
Q With whom did they return? A They came with me and my father and the Webbers.  
Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.  
Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '68.  
Q What time of the year? A First of December.  
Q That was the first time? A Yes, sir.  
Q When did you make your second trip? A Along in first part of January.  
Q That was January, 1867? A Yes, sir.  
Q Now which one of these trips was it that Peter and his family came with you? A They came both times.  
Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.  
Q Peter came with you alone the first time? A Yes, sir.  
Q Then the second time he brought his family? A Yes, sir.  
Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.  
Q Then was his children? A Then was his children.  
Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-776.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Ray Palmer

Subscribed and sworn to before me this the 8th day of August, 1902.

Prince G. Jones  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
SAMUEL BECK as a Cherokee freedman; introduced on part of the  
Cherokee Nation;

Appearances:

L. T. Brown, Vinita, I. T., Agent for Applicant;  
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on  
part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A L. B. Bell.

Q Where do you live, Mr. Bell? A Vinita, Indian Territory.

Q How long have you lived in and near Vinita? A Oh, since '67,  
including most of '67.

Q Was there any railroad running in or through Vinita when you  
first moved into that community? A No, sir.

Q When did the railroad first come through that country, Mr. Bell?

A In 1871.

Q You know this applicant, Sam Beck? A No, I don't know him.

Q Don't know anything about him? A No, sir.

Q Was you living in that country before the railroad started from  
Kansas through the Indian Territory; that is, the M. K. & T.?

A Well, I will tell you what I know about the railroad; The rail-  
road came through the country in 1870, and on the application of  
the Cherokee Nation, a complaint to the Secretary of the Interior,  
they stopped building and during the session after 1870 of the  
National Council of the Cherokee Nation, they passed an act there,  
it is dated the 14th of December, 1870, authorizing the furnishing  
of cross-ties to the railroad, and agreeing that the railroad could  
go through. The secretary hadn't determined which had the right-of-  
way. They had begun it in 1870 and the M. K. & T. got the right-of-  
way, and then they authorized the selling of cross-ties, and I went  
to Chetopa and made a contract with the Company for cross-ties  
enough to build from the Kansas line to Pryor Creek and sublet it.  
Mr. Martin was one I sublet to, that was in 1870 that contract  
was made; I don't recollect the exact date. Well, just a few days  
following that we began getting cross-ties and then worked on down  
to the Creek Nation. That was the first railroad built in this  
country and the first cross-ties was cut on the railroad in this  
country.

Q You don't know anything about the wife of Beck or anything about  
them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on  
part of the Cherokee Nation:

MR DAVENPORT:

Q What is your name? A C. D. Markham.

Q Where do you live? A At Tahlequah.

Q How long have you lived in the Cherokee Nation?

A I was born and raised here: never was out except during the war.



Q Where did you live before leaving for Tahlequah? A Lived on Grand river east of Chetopa about ten miles.

Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.

Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.

Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '91 or '92.

Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's Lake, down this way.

Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '91.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.

Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commissioner: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

---pao000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(Signed) T. B. Needles,  
Commissioner.

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the foregoing is a correct copy thereof.

*A. R. Cheever*

Sworn to and subscribed before me this 7th day of August, 1902.

*Brace Jones*  
Notary Public.

Exhibit C 7 2016

Mellotte & Smith, for applicants  
W. W. Hastings for the Cherokee Nation -

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelms, T.F., June 2nd, 1901.

In the matter of the application of Abraham Ward for the enrollment of himself and one child as Cherokee freedman; he being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Abraham Ward.  
Q How old are you? A 55.  
Q What is your postoffice address? A Wyder.  
Q In what district do you live? A Occaneechee.  
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.  
Q Who do you desire to have enrolled besides yourself? A One boy Artes Ward.  
Q How old is he? A 15 years old.  
Q Are you a recognized Cherokee freedman? A In part I am.  
Q Is your name on the 1880 roll? A No sir.  
Q Is it on any of the rolls? A The Kern Clifton and on the Wallace roll.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1898 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The Kern Clifton roll examined and the names of the applicants found thereon as follows:

Page 128, No. 3117, Abraham Ward, Occaneechee district.

Page 128, No. 3124, Artes Ward, Occaneechee district.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 128, No. 3125, Abraham Ward, Occaneechee district.

- Q Where were you born? A On Indian land.  
Q In the Cherokee Nation? A Yes sir.  
Q Were you a slave? A Yes sir.  
Q To whom did you belong? A Jim and Miss Ward.  
Q Were they Cherokee citizens? A Yes sir.  
Q Were you taken out of the Cherokee Nation during the war? A No, sir, after I was liberated I went into the Government service.  
Q Where did you go? A In '63 I went into the 10th Army.  
Q What regiment? A Blount's Division.  
Q Where did you enlist? A I didn't enlist, I was working for the officers, body servant.  
Q Where did you go? A Went to Camp Hill, Arkansas, waited on the officers and after that I drove a Government team.  
Q When did you return to the Cherokee Nation? A In the spring of '66.  
Q Have you lived here continuously ever since? A Yes sir.  
Q Are you married? A Yes sir but my wife is dead.  
Q Who was the mother of Artes? A Caroline.  
Q Was she a slave? A Yes sir.  
Q To whom did she belong? A The Adams.  
Q Is her name on the 1880 roll? A No sir.  
Q Was her name Caroline Adams before you married her? A Yes sir.  
Q When did you marry her? A In '63.  
Q Where? A Up in Kansas.  
Q Did you return with her? A Yes sir, I came on horse and then went back in the fall and brought her.  
Q How much of a family did you have then? A Two, still living.

Q Did you live with Caroline until her death? A Yes.

Q Who were your owners? A Jim and Louisa Ward.

Q And they were Cherokee citizens were they? A Yes sir.

By Mr. Mellette:

Q Have you a place on the Public Domain of the Cherokee Nation?

A Yes sir.

Q How long have you owned it? A Since '66.

By Mr. W. W. Hastings: The above question as to owning a place is objected to by the representatives for the Cherokee Nation because it does not tend to prove the issue.

By Mr. Mellette:

Q You have never lived out of the Cherokee Nation since your return in '66? A No sir.

By Mr. Hastings:

Q Your father was Peter Ward? A Yes sir.

Q Are you his son? A Yes sir.

Q Are you his oldest son? A Yes sir.

Q You went to Mound City Kansas didn't you? A Yes sir after I quit driving government teams.

Q That is in Indian Country? A Yes sir.

Q Do you know Cusky Brown? A Yes sir.

Q Did you see him in Kansas? A Yes sir.

Q What year did you see him there? A I think it was in '67.

Q You know Joe Ward? A Yes sir he was raised together.

Q He was your young master? A Yes sir.

Q You saw him in Kansas too didn't you? A Yes sir in '65 when I was driving a government team he came to our house.

Q Was that after or before the war closed? A Same year that the war closed, I saw him in Mound City and he went up to my father's house, I was living with my father.

Q You were not married then? A No sir, married directly after.

Q What year did you marry? A In the fall of '65, after he was up there.

Q How old is your oldest child? A He is 38 I think it is according to my judgment.

Q What time in the year was that oldest child born? A In September.

Q Was he 23 last September or this coming September? A This coming September.

Q That is your best judgment? A Yes, sir.

Q Did you come back with your father, Peter Ward? A No sir not the first time I came.

Q Didn't you testify before that you come back with your father?

A No sir, I went to Fort Gibson the first time and the next time I come down with him.

Q How long after that did you come down again with your father?

A The same year, I came to Fort Gibson in the spring and come back to Kansas and back here again in the fall, with my father.

Q You had married then? A Yes sir.

Q You come down the last time in November? A Yes sir.

Q Who came with you that first time? A Sir Mosley or Rogers.

Q Came through on horse back? A Yes sir.

Q How long did you stay there then? A Staid a considerable time, had kin folks there.

Q Who? A Berry Mays and Mr. Mays.

Q Well how long did you stay there? A About a month or so.

Q How long after that did you come with your father? A In November.

Q You located permanently that last time? A Yes sir, but I was on Big Creek when I went back from Fort Gibson to Kansas the first time.

Q How far did you locate from Snow Creek? A 8, 10 or 12 miles.

Q What direction from the mouth of Snow Creek? A Northeast.  
Q How far from the Kansas line? A About 8 miles south.  
Q Who was living there in that country then when you went through from Fort Gibson to Kansas? A Sam Webber, George Meigs, Peter Meigs, old man Sam Webber.  
Q Had they houses there then? A Yes sir.  
Q Had they made a crop of corn that year? A Not much, there was a drought there, that was when I went up the first time.  
Q What time was it when you went up? A In August.  
Q Did Sam and his daddy have a crop of corn in? A Not much, sort of a patch.  
Q That was in '67? A No sir.  
Q Your young master Joe Ward testified that he saw you there in '67? A I was traveling up there through that country and saw him the year of the war closing, because he went to my house with me.  
Q Did you ever see Will and John Ward or any of your young masters since the war? A Yes sir.  
Q Where? A On Big Creek.  
Q When? A I had been there about two years.  
Q Did you locate right on the place where you now live? A Yes sir.  
Q And have lived there ever since? A Yes sir.  
Q Is your father living? A Yes sir.  
Q He lived there with you? A Yes sir.  
Q What Cherokees are living along there? A Allent Morris.  
Q Was he living there when you came? A No sir.  
Q How long was Jim Martin living from there when you came there? A No sir, he was not living there and the Delawares were not living there either then.  
Q You anticipated that question didn't you? A I knew they was not living there then.  
Q What made you answer that question before I had asked it? A I heard some of the people saying that they was up there then and I am telling you right. I thought it was coming and I was going to tell you about it.  
Q Where did you get anything to eat that fall? Get it from these Webbers and Sanders? A We brought some along with us.  
Q Do you know Jess Brown and Tecumseh? A Yes sir.  
Q They were up in Kansas looking after some pension matters weren't they? A I don't know.  
Q Was Sam Webber living in a house up there? A Yes sir.  
Q Who did you stay all night with up there? A With Peter Meigs.  
Q That was in August? A Yes sir.  
Q 1866? A Yes sir, latter part of August.  
Q Did old Peter Meigs have in a crop there then? A Yes sir a little one.

By the Commission:

Q Why is your name not on the 1880 roll? A I don't know, the census takers didn't come there.  
Q Did you ever apply to have your name enrolled? A No sir; the reason I didn't was because several men went down there and tried it and come back and said that it was not necessary to go down there as there was not enrolling us people.

L. D. DANIELS, called and sworn as a witness before Com'r T. B. Needles, testified as follows for the applicant:

By Com'r Needles:

Q What is your name? A L. B. Daniels.  
Q What is your age? A 56.

Q What is your postoffice address? A Claremore.  
 Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.  
 Q Do you know the applicant? A Yes sir.  
 Q How long have you known him? A I got acquainted with him in the fall of '66.  
 Q Do you know if he was a slave? A No sir I dont.  
 Q Where did you see him in the fall of '66? A At Fort Gibson.  
 Q He you known him ever since that time? A I saw him after I moved up here to Okemaw.  
 Q How did you happen to see him in Fort Gibson in '66? A He come to Amanda and Ruthe Adair and was going to take them away and I asked him what he was going to do with them, and he said he was going to take them to his people.  
 Q You had never seen him before that? A No sir, he was a stranger to me then.

By W. W. Hastings:

Q He was a stranger to you in '66? A Yes sir.  
 Q You had never seen him before that? A No sir.  
 Q You didn't witness for him before the Kern Clifton Court did you?  
 A No sir.  
 Q Do you know how long he staid in Fort Gibson that time? A No sir I dont.  
 Q What time did you see him there? A In the fall.  
 Q What time in the Fall? A First part of September or the last part of August, somewhere along there.

By the Commission:

Q How did you know it was in '66? A Because I was living right there and notices all the girls that come in there.  
 Q You was a young man then? A Yes sir.  
 Q You was a government officer also wasn't you? A Yes sir.

SAM WEBBER, called and sworn as a witness by Com'r Needles, testified as follows:

Q What is your name? A Sam Webber.  
 Q How old are you? A 58.  
 Q What is your postoffice address? A Nowata.  
 Q Are you a recognized Cherokee Freedman? A Yes sir.  
 Q Do you know the applicant? A Yes sir.  
 Q How long have you known him? A Got acquainted with him in Kansas during the war? A Yes sir, time of the war.  
 Q Do you know when he returned to the Cherokee Nation? A In the fall of '66 was when I first remember seeing him in the Nation.  
 Q Where did you see him? A On Big Creek.  
 Q He came up there to live? A Yes sir.  
 Q Did he have his family there with him? A Yes sir he had his family with him.  
 Q Did you know if he was a slave in the Cherokee Nation before the war? A Only what he told me.  
 Q Have you known him ever since? A Yes sir.  
 Q Has he lived in the Cherokee Nation continuously ever since?  
 A Yes sir.

By W. W. Hastings:

Q He settled there right in the fall of '66? A Yes sir, frost was falling.  
 Q How long before had you and your family been there? A Not long, I moved down there a short time before that.  
 Q About how long before that? A I cant just tell, not a great while.  
 Q A month? A Must have been a month, I don't remember exactly.  
 Q Are you prepared to swear positively that all these people came



down there 35 years ago, in '66? A Yes sir, all those I am acquainted with that come.

Q How far did this man live from you then? A 4 miles.

Q He has lived there ever since? A Yes sir.

Q You know he was living there in '67? A Yes sir.

Q You know he was living there in '68? A Yes sir.

Q You are willing to swear that he has continued to live there continuously ever since '66? A Yes sir.

Q Did you know his father? A Yes sir.

Q What was his name? A Peter Ward.

Q He come with his father did he? A Yes sir, they come together.

Q And settled in the same neighborhood? A Yes sir.

Q What place in Kansas did you come from? A Limn County, same place they come from.

Q Mound City? A Yes sir.

Q Did you know them there? A Yes sir.

Q Did you go back up there directly after you come down here and settled? A No sir.

Q Did you go back there in '67 or '68? A No sir.

Q Was this man married when he come down there? A Yes sir.

Q Was his wife with him? A Yes sir.

Q How many children did he have then? A I can't tell you how many he had, but he must have had as many as two or three. I can't tell.

Q Did he have any? A If he did, I don't know it.

Q You know he was married though? A Yes sir.

Q Did he live with his father when they first come there? A They both camped there close together.

Q Did they make separate homes? A Yes sir.

Q Had you made a crop there when he came? A No sir.

Q None of you had crops in then did you? A No sir, couldn't, hadn't been there long enough.

Q About how far did they locate from the Kansas line? A I don't hardly know.

APPLICANT recalled and examined by W. E. Hastings:

Q You saw Will and John Ward directly after Will got into trouble did you? A Yes sir, I saw Will, he come to my house.

Q You had a talk with him? A Yes sir.

Q You told him where you had been? A No sir, not exactly as to where I had been.

Q Talked about old slavery times? A Yes sir.

Q Told him when you had come back? A No sir, that question was not asked.

Continuation of the above application reported by E. S. Jones.

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 19th of June, 1901, at Nowata, I.T.,

Signed, J. E. Needles,  
Commissioner.

(Continued from testimony taken by Stenographer Chas. von Weise, June 9, 1901.)

GEORGE MILLS, being duly sworn and examined by Commissioner Needles, testified as follows:



- Q What is your name? A George Meigs.
- Q What is your age? A I don't know exactly, about sixty some odd.
- Q What is your postoffice? A Wimer.
- Q Are you a recognized Cherokee Freedman? A Yes sir.
- Q Your name on the 1880 roll? A No, sir.
- Q You made application to be enrolled? A Done been enrolled, all excepting two witnesses.
- Q Do you know Abram Ward, the applicant here? A Yes, sir.
- Q How long have you known him? A Ever since he moved on Big Creek.
- Q Do you know whether he was a slave before the war? A Yes, sir, he was a slave.
- Q Who did he belong to? A Belonged to a man they called George Ward.
- Q Do you know whether he went out of the Cherokee Nation during the war or not? A Yes, sir.
- Q Where did he go? A Went up to Fort Scott.
- Q Did you see him? A No, sir, I just met him up there.
- Q Do you know when Abram Ward, the applicant, returned to the Cherokee Nation? A Why I don't know exactly.
- Q When was the first time you saw him after the war? A Why it was in the fall of '68.
- Q Where did you see him then? A On Big Creek.
- Q Was he living there? A Well, he has been there ever since.
- Q Was he living there then? A When I saw him, why he just came.
- Q Did he have a family with him when he came? A Yes, sir.
- Q How many children did he have? A Well, I can't hardly tell you.
- Q Have his wife? A Yes, sir.
- Q Was he camping there, or had he built a house? A Well, he came in and camped, and built a house.
- Q Have you known him since that time? A Yes, sir.
- Q Has he always lived in the Cherokee Nation since '68, to your knowledge? A Yes, sir.
- Q You were taken out during the war, were you? A Yes, sir.
- Q Did you return with Abram Ward? A I returned just a little before he did.
- Q You saw him here in '68 in the fall? A Yes, sir.
- Q Mr. Hastings: How long had you been back when you saw Abe? A I don't know exactly.
- Q A year or two? A I hadn't been back a year, no, sir.
- Q Well, had you put in a crop that year you came back? A No, sir, I hadn't then.
- Q Did you have any corn in when he came? A No, sir.
- Q Any potatoes in? A I had a patch started to clear out.
- Q But you had no corn on it? A No, sir.
- Q You didn't plant any that year? A We didn't plant any till it got time to plant it.
- Q But had you planted any when this man came down here? A No, sir.
- Q George, you don't know anything about dates, years? A No, sir, I don't.
- Q You don't know one year from another? A No, sir, I don't know, of course I am not got no education.
- Q Where did you live before the war? A Well, now I lived in the Cherokee Nation before the war.
- Q What place in the Cherokee Nation? A Well, as near as I can tell you to tell you the truth, I lived east of a little town they called Dutch Town on a big hill: west of it.
- Q Who did you belong to? A Belonged to a man they called Hubert

Daniels and Lila Daniels.

Q How far was that from Beattie's Prairie? A It wasn't a great ways, I don't know.

Q What direction was Beattie's Prairie from where you lived? A To my judgment, it must have been kinder north, nearabout north.

Q You were up there before the war, were you, Beattie's Prairie? A No, sir, I don't know that I have ever been to the place.

Q When did you first see Abe? A The first time I saw Abe to recollect him was at Fort Scott.

Q During the war? A Yes, sir.

Q Then you never saw him before the war? A No, sir.

Q You don't know of your own personal knowledge who he belonged to? A Of course I don't, but I know what he says, who he belonged to.

Q You swore a while ago he belonged to George Ward? A That is what I told you his owner was.

Q You don't know that? A No, sir.

Q You are the son of Peter Meigs? A Yes, sir.

Q Peter Meigs went down before the Court to have himself and family enrolled? A Yes, sir.

Q Did you go along with him? A No, sir.

Q He is dead? A Yes, sir.

Q He didn't get enrolled? A No, sir.

Q He has been refused by the Cherokee Nation? A Yes, sir.

Q You know this man, the applicant, has been refused all the time? A Yes, sir.

Q To the best of your judgment, how many children did he have when you first saw him there, after the war? A I can't hardly tell you; I know all his children; he had one to my judgment.

Q But you don't know how many more? A No, sir.

Q What was this child's name? A Named Lon.

Q He stayed right near you? A Yes, sir.

Q He came down with his father, didn't he, Peter Ward? A Yes, sir.

Q They all came down together and stayed up there? A Yes, sir.

Q I want to know if you are positive about the year that they came? A Yes, sir.

Q They have lived there continuously ever since that year they came? A Yes, sir, ever since.

Q They never went back to Kansas and left up there? A I believe the old man went back once or twice for grub.

Q Not up there to live? A No, they never went up there to live.

Q Are you willing to swear positively about the year they came? A Yes, sir.

Q That was in 1866, was it? A Yes, sir, '66 we came.

Q Was it 1866? A I can't say whether it was eighteen hundred or not.

Q You are not positive about that? A I can't tell you anything about the dates; and I didn't suppose I would have to know anything about '66 like I do, but my daddy was rushing to get down there to get a place say he said for his children.

Commissioner: Your daddy knew he had to be there in '66 did he? A Yes, sir.

Commissioner: Abram Ward applies for the enrollment of himself and his son Artes. He is not identified upon the authenticated roll of 1880 or the census roll of 1880 from an examination of the same, but he is identified upon the Kern-Clifton and the Wallace rolls. His child Artes is also identified upon the Kern-Clifton roll. He avers that he was married to one Caroline Adair, who is now deceased, and makes satisfactory proof as to said marriage. Now Abram Ward and his child Artes will be listed for enrollment as Cherokees.

1. Freedmen on a doubtful card, awaiting further consideration by the Commission. He will be duly notified by mail at his post office address of the decision of the Commission, when arrived at.

2. Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce C. Jones,

Sworn to and subscribed before me this the 18th of June, 1901.

Signed, T. B. Needles,  
Commissioner.

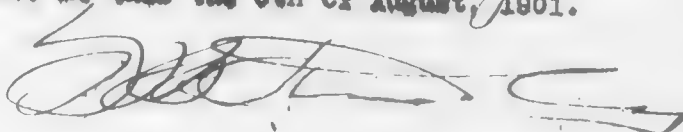
\*\*\*\*\*

~~Summary~~

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of August, 1901.



Commissioner.

File with Cherokee Freedman \ D-328, Joseph Smith.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 5, 1901.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for the applicants;  
W. W. Hastings, of counsel for Cherokee Nation.

C. W. KINGSBURY, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A C. W. Kingsbury.

Q What is your age, Mr. Kingsbury? A I am 47 years this fall.

Q What is your postoffice address? A Mound City, Lynn County, Kansas.

Q How long have you lived in and about Mound City? A Ever since the 18th day of August, 1861.

Q Were you living there in 1865; you have lived there ever since, you say? A Yes, sir, lived there continuously ever since, made that my home.

Q What was your father's name? A My grandfather's name was Durbin.

Q Did you know a colored man in Mound City, Kansas, by the name of Peter Ward? A There was one lived there, yes, sir, by that name.

Q Did you know any of his children? A Yes, sir.

Q Name some of them? A There was Abraham, Berry, Mark, Miner, Squire, Eliza, Ben, Dave, Clint, George; that is all I can remember of them.

Q When did you first become acquainted with this family of Wards?

A In the fall of '65.

Q Where were they then? A They lived on a place west of ours.

Q How far was that from Mound City, Kansas? A That was three miles; it is three miles to my place and their place joined right west of ours.

Q Joined your place on the west? A Yes, sir, their place cornered with ours on the northwest.

Q How long did they continue to live from '65 in that immediate vicinity about Mound City? A From '65 in the fall of '65 I think, and then in the next spring they moved, taken a lease on the old gentleman's place, my grandfather's.

Q What was his name? A Amos Durbin.

Q That was in the spring of '66? A In the spring of '66 they moved onto our place.

Q When you say our place you mean your grandfather's? A Yes, sir, I mean the Durbin farm now, it is where I live now.

Q Now how long did they continue to live on that farm? A They took a lease on our place for four years, to clear up some timber lands, and they lived there three years and in the fall of '69 the old gentleman left, that is; he said he was going down to this country, that was in the fall of '69, and the remaining year of the lease, he wanted the old gentleman, that is Mr. Durbin, to let one of his boys live there the year of the lease out, and Mr. Durbin told him that he was welcome to stay on the place till his time was out, but he didn't want him to sub-rent to anybody, and Peter Ward said all right.

Q They gave up the last year? A Yes, sir, they gave up the last year.

Q And they lived there for three years from '66, as I understand it? A From '66 to the fall of '69.

Q Was there a barn built on the Durbin farm in the meantime? A There was a stone barn built there in '68.

Q How do you know it was built there in '68? Have you anything else besides your own memory? A Yes, sir, the boss mechanic, A. J. Rahney, on finishing the work he placed a rock up over the door with his initials and the year it was erected in.

Q Do you know whether these people were there after the building of this year or not, living there? A Yes, sir.

Mr. Mellette: I think that is a very leading remark.

Q Well now how do you know it? A Mr. Ward was farming our place besides this land, he stored some wheat on our place and he stored some whear and in the fall of '69 he left some whear in our barn and the next spring he came and got it.

Q You know where he was the next spring, where he was living? A He said he had moved down to this country, that is what he said and we supposed he had.

Q Have you seen him since? A I have not; one of his boys was back there since, Abe, but what year I don't remember.

Q What is your occupation? A I am farming and stock raising.

Q You have mentioned a number of Peter Ward's family; did they all leave when Ward left, or about that time? A About that time; I can't say for sure whether the older boys left a short time before or a short time after, but I remember Uncle Peter going away at this time that I spoke of.

Q You remember Abraham Ward living there? A Yes, sir, he lived there every time when he was there, the boys were all at home on the place there.

Q Is your grandfather, Durbin I believe, is he alive? A Yes, sir, he is living, he is quite an old man, he is 88 years old.

Mr. Mellette: I didn't get your name? A C. W. Kingsbury.

Q What is your postoffice? A Mound City, Kansas.

Q How old are you? A I am 47 this fall.

Q How old were you in '66? A In '66 I was 12 years old, I was born in '54.

Q Did you, as a 12 year old boy, pay much attention to dates?

A What do you mean, in what way do you mean?

Q Well I mean exactly what I said? A Well this time that I spoke of, of knowing when Uncle Peter took this lease on our place; this place that he moved onto our place from belonged, when he took the lease on that, to a man named Corbin, and he built a house.

Q Now are you going to answer my question? A Yes, sir, what is it?

Mr. Hastings: If you want to tell him how you get at this date, go on and tell him.

Mr. Mellette: I asked you if, as a 12 year old boy, you paid very much attention to dates? A I remember that distinctly.

Q When were you first asked to appear as a witness in this case?

A I think there was a gentleman at my house twice, the last time I don't remember when, but I think it was along the last days of last month.

Q How long was it after Peter Ward and his family left Kansas, that that man came to you and asked you about these facts? A It was from '69 until 1901.

Q How long is that? A From '69 would be 32 years, if I am not mistaken.

Q Do you remember back then 32 years to the time when you were a 12 year old boy and remember the years that these colored people leased the land? A I do.

Q And when they moved off? A Yes, sir.

Q Where were you living at that time? A I must have lived on the place, I was living the same place I live now, three miles west of Mound City, in Lynn County, Kansas.

Q Is that the only date you can remember about things that took place in those days? A No, sir.

Q You have lived in one spot all the time? A I have lived continuously, that has been my home on that farm since '61.

Q What impresses the fact on your mind as to when them people lived on that land? A As I said, Mr. Ward was living on a farm that



belonged to Corbin and he had put up a house there, a log house, he wanted to move that house over onto the old gentleman, my grandfather, and my grandfather objected and told him he had better go down in our timber and cut logs and build a house.

Q You know of that? A Yes, sir.

Q You remember that conversation 32 years ago? A Yes, sir.

Q You are giving the exact conversation that you heard 32 years ago?

A I remember the contract and the conversation.

Q Were you a business man at that time? A Well, I wasn't, I don't suppose, considered so legally.

Q Had you conducted business at the age of 12? A In the way of leasing land I didn't, and Mr. Alexander came out from Indiana in the fall of '65 and bought the land then, this land that this gentleman, Mr. Ward, lived on, and then in '66 P. D. Alexander moved on the farm and lived there until the time of his death.

Q Now is it not a fact that Peter Ward and his family left your grandfather's place in '66 because they understood they could get a home here by coming in 1866, that they departed at that time? A I don't think it is.

Q Well, what do you mean by saying you don't think it is? A Well I mean that he lived three years of this lease out there on the farm, that is, living three years on the farm.

Q Was there any particular reason for your remembering that for 32 years, the time that these people when on your grandfather's farm?

A The thing that calls the memory to the time was the fact that Alexander bought the place.

Q And you remember the year he bought the place? A Yes, sir.

Q Do you remember this by talking to your grandfather or somebody else or have you retained it in your own memory? A I have retained it in my mind, by talking to Alexander during his life time.

Q You have retained it by talking to Alexander? A Yes, sir.

Q You are testifying by what Alexander told you? A I know he came there in '66.

Q I want to know if you are testifying about these dates by what Alexander told you? A I am not.

Q What made you say you remember it by talking to Alexander in his life time? A I remember him moving there in '66 same as I remember I moved to Kansas in '61.

Q Then if Peter Ward and Abraham Ward and the rest of the Wards swear they left Kansas in '66 they are mistaken, are they? A I don't know what they testified to..

Q Who else lived on your grandfather's place after the wards moved off? A At the time they lived on the place there, at one time, not all the time, there was a man by the name of Anderson Turk.

Q When did he move on the place? A He moved on the place sometime in '65, he had been on the place I think a year.

Q When did he move off? A He moved off the place, let's see, about '75.

Q Well, are you swearing he moved off in '75? A He moved up north and bought a place up north, he lived on the place 12 years and moved there in '65.

Q What year did he move off? A About the year 1875.

Q You swear that, do you? A Yes, sir.

Q Who lived on the place besides that man? A Why George Brown lived there.

Q When did he move on the place? A He didn't rent, he just simply rented a room from Anderson Turk and lived there.

Q When did he rent the room? A Why it was sometime, it was in '67 or '8, I am not sure which.

Q Well, which is it, '67 or '8; just as much reason for you to remember that as there was about Peter Ward.

Mr. Hastings: Don't argue that question.

J What year was it that that man lived on the place? A '67 or '8, I am not sure which.

Q Why can't you remember, if you can remember when Peter Ward moved



on the place and when he moved off? A Brown live there just a short time and by permission of Anderson Turk.

Q When did he live there? A I think one winter.

Q You don't know when he went on and when he went off? A In the fall season he went in and just wintered there one winter.

Q Who lived on this place in 1876? A There was no one in '76, nobody then but our own folks.

Q Who cultivated it? A The old gentleman.

Q Anybody else ever live on that place? A How do you mean, since '65? A Yes, sir, since '66? A Yes, I think Uncle Ben Ward lived on the place.

Q When did Ben Ward live on the place? A He lived on the place I think it was, let's see, about '67.

Q Nor was it about '67, or was it '67? A I am not sure whether it was '67.

Q Why can't you remember when Ben Ward lived on the place? A I am pretty sure it was '67 when he lived on the place.

Q Do you swear positively it was '67 when he lived on the place?

A I am pretty sure of it, I am not positive.

Q Might have been '66? A No, it wasn't '66, because my recollection is that he moved on the place after Uncle Peter did, took another lease.

Q It was '67 then? A Yes, sir.

Q Might have been '68? A Yes, it was either '67 or '68, was either of the two years, it was a year after Uncle Peter moved.

Q You want to be understood as swearing positively that Uncle Peter Ward moved on the place in '66? A Yes, sir, spring of '66.

Q And you were a 12 year old boy at the time? A Yes, sir.

Q Don't you think you have a remarkable memory? A I never considered my memory as anything extra.

Commissioner: Mr. Kingsbury, Mr. Hastings asked you your father's name and you gave your grandfather's name; why did you not give your father's name when he asked you? A My father was in California and my grandfather raised me, I have been living with him ever since I was 7 years old, ever since; my father is dead now.

Mr. Hastings: I had talked to you about your grandfather's place? A Yes, sir, that is the place that I live on now, and this family lived on is my grandfather's now, he is still living, he is quite an old man.

BYRON OSBORN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Byron Osborn.

Q Mr. Osborn, how old are you? A 49 years old.

Q What is your postoffice? A Mound City, Lynn County, Kansas.

Q How long have you lived in and about Mound City, Kansas? A Well sir, my father settled there in '54, March 20.

Q Have you lived there since that time? A Well, that has been my home, I have been away a year or so at a time, was back in Illinois a couple of years and I was out in Colorado about the mountains about 12 or 14 months.

Q Well, where were you the three or four years after the war? A I was on our place, home.

Q How far was your place from Mound City, Kansas? A Three miles.

Q What direction? A Southwest.

Q How far was that from the Durbin farm? A Well, it is about two miles and a half I should judge.

Q Do you know Mr. Kingsbury, who has just left the stand?

A Yes, sir.

Q He a grandson of Durbin? A Yes, sir.

Q Do you know a colored man by the name of Peter Ward? A Yes, sir, I used to know Mr. Ward.

Q Did you know any of the members of his family? A Yes, sir.

Q Give me the names of some of them? A I know of Abe and I know Berry and I know Squire Ward, that is about all that I know, he had

other children but I wasn't acquainted with them, I think he had some girls I wasn't acquainted with.

Q When did you know them? A Well, sir, it was along I think the latter part of summer, they lived in there.

Q About how long did you continue to know them? A Well, the best of my recollection is that I knew them I think probably eight or nine or ten years.

Q I mean did you know them after the war? A Yes, sir.

Q How long after the war did you know them? A Well, I should judge it was, to the best of my recollection, I think it was probably five or six years after the war, four or five maybe, sometime after the war, but I can't state how long.

Q Do you know where they were living? A Yes, sir.

Q What place? A They were living on Mr. Durbin's farm.

Q Do you remember where they went when they left there? A Well I don't know positive, only I have understood they came to the Indian Territory.

Mr. Mellette: How old are you? A 49 years old.

Q How old were you when the war closed? A Well I guess I was about 12 or 14 years old.

Q Now who did you first talk to about knowing anything about these people? A Mr. Keys.

Q Mr. Keys came up into Kansas, didn't he? A Yes, sir.

Q Found you? A Yes, sir, he asked me did I know the Wards and I told him I did.

Q Well was that the first time that anybody had ever talked to you about when the Wards left that country? A Yes, sir.

Q That has been about 32 years ago, hasn't it? A Well it has been a long while, I don't know just how long.

Q You were a boy about fourteen years old? A Yes.

Q Do you think you can remember back to your boyhood days and swear positively when Peter Ward left that country? A I don't swear positively.

Q How far do you swear positively? A Well I know that he was there sometime after the war.

Q You know he was there sometime after the war? A Yes.

Q Can you remember the ~~the~~ events and the succession of facts as they happened thirty years ago when you were a boy? A Well some things I ~~can~~ can.

Q Well, do you think this is one of the things? A Well I remember that Mr. Ward lived there, he had a boy by the name of Abe who used to work for my father sometime after the war, he worked on our place, but I can't say positively what year it was.

Q You don't know when he worked on your father's place? A I don't know what year it was, it was sometime after the war, quite a while.

Q And you don't know when he moved to Mr. Durbin's place? A No, sir.

Q Can't you remember the year he worked on your father's place? A No, sir, not positive.

Q When did they stop fighting up there in Kansas? A Along about, I think the last fight they had was when Price went through, I think the latter part of '66 or '65, along there.

Q '66, was it? A Or '65.

Q You say they had a fight up there the latter part of '65, that Price went through there? A No, I didn't say '65.

Q The latter part of '65 or '66? A The latter part of '66 or '65.

Q The latter part of '66 or '65, you say that? A I saw either the latter part of '65 or '66, sometime along in there that Price went through there.

Q Don't you know that Price made his raid through there in '63? A No I don't hardly believe he did.

Q And don't you know that General Lee surrendered to General Grant in April, 1865, and that there wasn't any fighting any place after April, '65? A Well it might be, but the war wasn't closed entirely

till about '65.

Q Yes but you say Price made his raid through there in '65 or '66?

A I meant '64 or '5.

Q What made you change? A Well, I just made a mistake.

Q Who talked to you after you came? A Nobody.

Q Well Mr. Hastings here consulted you, didn't he? A He asked me some questions.

Q Was Mr. Kingsbury present? A Yes, sir.

Q Who else was present? A There was lots of gentlemen there.

Q All you witnesses who came down in that case were present and talked to together? A Well they asked me some questions.

Q Now when you were being consulted you and Mr. Kingsbury and the other witnesses in this case were all sitting in the room and heard what went on here? A I think maybe I did hear a part of Mr. Kingsbury's testimony, I wasn't in there all the time, I don't know anything about when Mr. Ward left that country, I can't swear positive, but I am satisfied that he was there several years after the war closed.

Q But then if you think that Price made his raid through there in '65 or '66 you may be mistaken when the war closed? A I meant '64 or '65.

Q Do you say that Price did make his raid through there in '64 or '5? A I wouldn't say positive.

Q You wouldn't say positively about that? A No, it seems to me it was in that time.

Q You were a boy? A Yes, I was a boy.

Mr. Hastings: You were summoned here as a witnesses on the part of the Cherokee Nation, weren't you? A Yes, sir.

Q I consulted you with a number of other witnesses down there?

A Yes, sir.

Mr. Mellette: How were you summoned here on the part of the Cherokee Nation? A By subpoena.

Q Who served the subpoena on you? A Mr. Campbell left it at my farm.

Q Who is Mr. Campbell? A His name is Neve Campbell.

Q Where does he live? A He lives in Mound City, Kansas.

JOSEPH L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Joseph L. Ward.

Q What is your age, Mr. Ward? A 56.

Q What is your postoffice? A Maysville, Arkansas.

Q You live in the Cherokee Nation side there? A Yes, sir.

Q You are a Cherokee citizen by blood? A Yes, sir.

Q Mr. Ward, what was your father's name? A James Ward.

Q Did your father ever own a colored man by the name of Peter Ward?

A No, sir, my grandfather owned him.

Q You know Peter Ward then? A Yes, sir.

Q Before the war? A Yes, sir, he married a negro woman, my mother owned.

Q He had some children? A Yes, sir.

Q You remember any of their names? A Yes, sir.

Q Well, give us some of them? A Abraham was the oldest, Berry, Margaret, Miner, Squire, Eliza, Dave, and Clint, is all they had when they left there that I know of, that I remember.

Q Did they live there when the war came up? A Yes, sir, in '63 as well as I can remember.

Q Did you ever afterwards see them? A Yes, sir.

Q Where did you next see them? A In Mound City, Kansas.

Q When was that? A In the fall of '65, October.

Q Now when did you next see anyone of this family? A The next time one of them was here in Vinita just after that payment, the first payment of the Cherokee. I don't remember the exact date.

- Q You don't remember the exact date? A No, sir.
- Q It wasn't this last colored payment? A No, it was the first payment that was had after the war.
- Q You don't remember the date of that payment? A No, I don't remember the date.
- Q Was this railroad through here at that time? A I think so.
- Q Well, which one of them did you see at that time? A Abraham.
- Q Did you have any conversation with him? A Why yes, he told me that he didn't get any money, that he came too late.
- Q He say where he was living at that time? A Living out here on Big Creek, up here in Cooweescoowee.
- Q You remember when he said he came? A No, I don't, positive, it seems to me he told me he came here in '69, that is my best recollection.
- Q Did you see any other members of the family at the time? A No, sir, not that I remember.
- Q Have you talked with any of them since that about it? A No, sir.
- Q You live quite a distance from them? A Yes, sir, I live about fifty miles southeast of here, and they live northwest.
- Q You don't remember the date of that payment? A No, I don't remember the date of it, somewhere in '70 but I don't know exactly what date it was.
- Mr. Mellette: Well, did any of the colored people get the payment at that time? A I don't know, I don't think they did.
- Q Don't think any of them got it? A I don't know, I don't remember, of course I can't state.
- Q You wouldn't swear that he told you he came here in '69, positively? A Not positively, but that is my best recollection.
- Q Well, that has been a long time ago, hasn't it? A Yes, sir.
- Q You ever been arrested? A I don't know that that cuts any figure in the case.
- Commissioner: Please answer the question.
- A Why yes.
- Mr. Mellette: What were you charged with? A I was charged with charging an unlawful fee in a pension case.
- Q That all? A And detaining pension money.
- Mr. Hastings: What was done with the case, Mr. Ward? A Dismissed.

JOHN L. WARD, being duly sworn by Commissioner Needles, testified as follows:

- Mr. Hastings: What is your name? A John L. Ward.
- Q What is your age, Mr. Ward? A Age is 50.
- Q What is your postoffice? A Maysville, Arkansas.
- Q You are a Cherokee citizen by blood? A Yes, sir.
- Q You live on the Cherokee side of the line? A Yes, sir.
- Q What was your father's name? A His name was James Ward.
- Q Did you know a colored man by the name of Peter Ward? A I did when I was a boy, I haven't seen him since.
- Q Did he have some children? A Yes, sir.
- Q You remember any of their names? A Yes, I recollect most of their names, there was Margaret and Abraham, Louise was the old lady's name.
- Q We want to identify the family, name some of them? A Margaret and Abraham and Berry and Miner and Ben I think and Dave and Elize and Clint.
- Q Did you ever see any of them after the war? A I never saw but one of them; yes I have seen them too, I seen Squire here the last Court, one they call Dick or Squire.
- Q Well which one did you see first after the war? A That was Miner.
- Q What was her name then? A Rowe I think she called her name.
- Q Where did you see her? A Up here between here and Chetopa, Big Creek I think it was.

- Q Between here and Chatopa? A Yes, sir.
- Q In what district? A In Cooweescoowee I guess.
- Q Did you have any talk with her? A Yes, sir.
- Q About when was that talk? A Sometime in the sixties, '61 or '6 or '7, somewhere along there, I don't recollect just the year.
- Q Now think over the date, do you mean '60? A '70 I mean '70, something in '70, I have got it wrong, '60 I said, it was sometime in '70.
- Q You say it was sometime in '70? A Yes, sir.
- Q You know whether it was before or after this railroad ran through here? A Yes, sir, it was after this railroad ran through here.
- Q This M.K. & T.? A Yes, sir.
- Q Well, what conversation did you have with her? A We stopped there where she lived and she called up a couple of boys that she had and she told me their names, she called one of them Grant and the other one Sherman, and ~~John~~ then she sent a crazy negro down in the field for her husband, and she said she wanted to know what they were going to do about them, she said they got back too late; I said I didn't know what they were going to do, and that is about all the conversation I had; I asked them about the family, where they lived; they were all around there except one of them, there was one had never come back, that is my recollection, I don't know which one now.
- Q Who was with you at the time? A Well, my brother, we had been up to Coffeyville with some apples and came back by there and stopped.
- Mr. Mellette: You say you asked them about the family? A Yes, sir.
- Q Talked a good while with them I suppose? A We stopped there about half an hour or an hour.
- Q Where did she say her father was? A He lived there somewhere.
- Q Where? A Up here about Big Creek.
- Q Where did she say Abraham was? A He was there.
- Q Where? A Up in there, right close there, I was asking how they all were getting along.
- Q How many years ago has that been? A Along in '70 sometime.
- Q '70 when? A Between '75 and '77.
- Q What made you say it was in '60 first? A I just miscalled it.
- Q Wasn't it in the sixties? A No, sir.
- Q Don't you know it was in '66? A No, sir.
- Q Between '66 and '7 and '8? A It wasn't in '66.
- Q Why wasn't it? A Because this railroad was built through here.
- Q When were you first called upon to remember this? A Well, it was down here in this rock house down here.
- Q How long ago? A I don't remember.
- Q When Mr. Wallace made this roll? A No, sir.
- Q When Mr. Kern and Clifton made the roll? A It was when this negro attorney was down there, I don't know his name.
- Q How long ago? A I don't remember just now.
- Q About how long ago did you first remember that she said she was too late? A It was when we were up there, is all I know about it.
- Q About how long ago, I want to find out when it was? A The reason I think it was about seventy, because I was married in '78 and it was before I was married.
- Q How many years before you were married? A Two or three.
- Q Two or three? A I don't remember just exactly, it was so long ago you can't recollect, I can't recollect the exact dates.
- Q That is what I am thinking about, unless I have something to impress it on my mind; nobody called on you to remember what they said for twenty or thirty years afterwards? A No, I wasn't called on until I was summoned here before this Court.
- Q This time? A No, that other time.
- Q What time was that? A I don't remember; you may recollect the date Mr. Hastings.
- Q Who were making the roll at that time? A Hastings and Thompson and there was a negro there, an attorney, I forgot his name.
- Q You can't give any idea when that date was can you; why can't you remember the date you were first called on to testify to this fact



as well as you can remember when she told you she came here too late?

A I never paid much attention to it.

Q Did you pay much attention to when she said she came here too late? A Yes, I recollect by the trip we made and I got to counting it up.

Q After thirty years you get to counting it up, did you? A It wasn't thirty years.

Q Well, twenty? A Let's see, it was over thirty years I guess.

Q It was over? A It was in seventy something.

Q Well how many years has that been? A Well I can count, this is 1901, you can count yourself.

Q Why I am not going to do it, I asked you how many years it was? A Thirty years from seventy, and then it was along in '70, well I don't recollect just exactly the year though, it was before '77, sometime between '70 and '77, I don't remember just exactly the year, I don't propose to swear something I don't know.

Q Well you give it up then, you can't tell how many years it has been? A I don't recollect the exact year.

Q And you can't tell the year you were down here in the rock building and when Mr. Hastings and Mr. Thompson were making the roll? A No, I don't recollect the exact year.

Q Was it 1896? A I don't remember.

Q 1890? A (No response.)

Q Was it 1890? A No, sir, it wasn't then.

Q Then was it? A I don't know just when, I don't recollect the year.

Mr. Hastings: That was the first time you had seen these old slaves since the war, when you had this conversation? A Yes, sir, and then during this Court I was sworn when I was up here last Court.

Q Are you summoned here as a witness this time? A Yes, sir.

Q Were you summoned when you testified before when ~~xx~~ I represented the Nation in part? A Yes, sir.

Q You remember Mr. Thompson was a member of the Court at that time? A Yes, sir.

Q You remember the other two members of that Court? A I don't recollect them.

\*\*\*\*\*

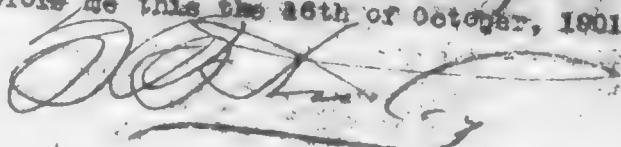
Taking of testimony continued by stenographer J. O. Rosson.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

*Bruce C. Jones*

Sworn to and subscribed before me this the 26th of October, 1901.



Commissioner.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., October 15, 1901.

SUPPLEMENTAL TESTIMONY by the Master of the Application of Daniel Thompson et al., S. F. D. 636.

Appearances:

James A. Davenport for the Cherokee Nation  
Bertha & Smith for the poor applicant.

T. W. Thompson, being first duly sworn by Com'r T. S. Needles, testifies as follows on the part of the Cherokee Nation:

Q What is your name? A T. W. Thompson.

Q Where do you live? A 3 miles north of Vinita.

Q What is your age? A 51.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know the applicant in this case, Daniel Thompson? A Yes sir.

Q Did you know him before the war? A Yes sir.

Q Do you know where he went during the war? A I think he went north to Kansas.

Q Where did your family go during the war? A To Red River.

Q On what Nation? A Cherokee Nation.

Q When did you return to this country? A In the fall of '66, in October.

Q Did this applicant go with your family? A He never was with us during the war.

Q When your family returned to the Cherokee Nation were they located? A On Grand river, 12 or 15 miles east of here.

Q How far from where they had originally lived? A Same place.

Q Was the applicant there when you returned? A No sir.

Q When did you first see the applicant after the war? A Here in Vinita, I can't tell exactly the time.

Q With reference to the time the railroad was here when was it? A The Katy was here & then.

Q About what year was it? A As well as I remember it was in '73 or '74.

Q Had the applicant prior to that time ever lived on your place or Grand river? A No sir.

Q Had you any conversation with him in regard to where he lived or when he came back? A No sir.

Q Where was he living at that time? A On Big creek, he told me.

Q Did he say when that he had been living on Grand river at the old place? A No sir.

Q You had always lived on the old place since your removal? A Yes sir.

Q Some place you lived on prior to the breaking out of the war? A Yes sir.

Q Had the applicant been there after the war? A To your house? A Not that I know of.

Q Your son had been in Vinita for the first time after the war? A Yes sir.

Q Did he come to your house at that time? A He came to my father's house and stayed a day or two with my father.

Q By Smith.) What was your father's name? A Jonathan Thompson.

Q Is he a Cherokee? A Yes sir.

Q By blood? A Yes sir.

Q A recognized citizen of the Cherokee Nation? A Yes sir.

Q Did he own Daniel Thompson before the war? A Yes sir.

Q Was Daniel Thompson with your father then the war broke out? A Yes sir.

Q What time did you get back here after the war? A October, 1866.

Q You came to what place? A Our old place.

Q How far from where Vinita is now? A 12 or 15 miles.

Q How old were you then? A 17 years old.

Q Just a day? A Yes sir.  
Q From the time that you came back to your old place, for the following two years, where were you? A I was there—I went to school one or two sessions at Bes Ridge, Arkansas.  
Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.  
Q All you know is that the first time you saw him was in '71? A Yes sir.  
Q You don't know how long he had been here in the Cherokee Nation? A No sir.  
Q You don't know where he was during the war? A No sir.  
Q When were you at home? A In '57, in the fall.  
Q You were at home then from '56 to the fall of '67? A Yes sir.  
Q You never saw this applicant there then? A No sir.  
Q Never heard of him being there then? A No sir.  
Q By Mr. Stinger: Object to him stating what he might have heard.  
Q By Smith or witness:  
Q All you know is that you never saw this applicant until in '71 or '72? A Yes sir.  
Q Before that time you don't know where he was? A No sir.

DAVID STINGER, being first duly sworn by GUY T. B. Needles, testified as follows on the part of the Cherokee Nation:

Q By David Stinger:  
Q What is your name? A David Stinger.  
Q Where do you live? A On Big Creek, Cherokee Nation.  
Q How old are you? A 80.  
Q How long have you lived in the neighborhood of Big Creek in the Cherokee Nation? A About 28 years.  
Q Do you know the applicant here, Daniel Thompson? A Yes sir.  
Q How long have you known him? A Since '72.  
Q Where did you first see him? A I saw him in the territory on the east prong of the track.  
Q What was he doing when you saw him? A Was commenced making a farm there.  
Q Did you have a conversation with him then? A Yes sir.  
Q What was that conversation? A He told me that he used to live here and was turned here, and that he wanted to leave, and thought he would come back because he was turned here—thought he would come back home as he called it.  
Q Did he have a family with him then? A Yes sir.  
Q What year was that? A I think in '72.  
Q What improvements had he made then? A Nothing, he was just in a place there.  
Q Did he say what he had gone to Kansas? A No, I don't know anything about that.  
Q Yes, anything else said about his having been in the Cherokee Nation before that? A I don't think there was.  
Q How many children did he have then? A Two.  
Q What were their names? A Sandy and Mary.  
Q Were they with him? A Yes sir.  
Q Did he ever make a place there? A Yes sir.  
Q Where has he been living since? A Right there all the time.  
Q That year was this you say he came there? A Yes.  
Q By Smith:  
Q You know that he has been living there continuously ever since '72 in the Cherokee Nation? A Yes sir.  
Q How long had you been there in '72? A I came there in '71.  
Q Where from? A Peoria, Illinois.  
Q And you ever been in the Cherokee Nation prior to '71? A No sir.

Q You don't know where this man Daniel Thompson was in 1870? A No I don't know that.

Q You don't know where he was in '69? A No sir.

Q Or in '68? A No sir.

Q Or in '67? A No sir.

Q Or in '66? A No sir.

Q Or in '65? A No sir.

Q You don't know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.

Q You don't know whether he had been here before that or not? No sir he said he was owned here before the war.

Q You don't know when he first came here after the war? A No sir, only that time.

Q He might have been here before that and you not know it? A I wasn't here before the time I state and can't tell nothing about except when I was here.

( By Davenport )

Q Was he living there when you came there in '71? A No sir.

Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

( By Davenport )

Q What is your name? A William Noble.

Q Where do you live? A On Big creek, Indian Territory.

Q Cherokee Nation? A Yes sir.

Q How long have you lived in the Cherokee Nation, Mr. Noble? A I think I came to the Cherokee Nation in the summer of '64.

Q How long have you lived on Big Creek? A Ever since the fall of '64 I think I went there then or in the spring of '65.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Good many years, I can't say exactly how long, I think he moved in there on Big creek right close to me, I think he came from Kansas there in the fall of '72, and he has lived there ever since.

Q Did he settle a place there when he came down? A Yes sir.

Q How far from you? A Two and a half miles.

Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.

Q Did he have his family with him? A Yes sir.

Q Children? A Wife and three children.

Q Did you have any conversation with him? A Yes sir, he told me he just moved in from Kansas.

Q Did he tell you that he was a slave here before the war? A Yes sir, not right then but after that he told me that he had been a slave of Johnson Thompson and that he was going to see him.

( By Smith )

Q When did you first come to the Cherokee Nation after the war? A In '64.

Q Were you in the army? A Yes sir.

Q When were you discharged from the army? A I was discharged, I think it was in '62.

Q In what? A '62.

Q Were you discharged before the war closed? A No sir.

Q But you think it was in '62 that you were discharged? A I believe it was.

Q In '61 maybe? A Somewhere along there.

Q Somewhere in '61 or '2? A Yes sir.

Q You testified Saturday last in the Jessi Vann case didn't you? A Yes sir.

Q Didn't you say then that you were discharged in the year '66 from



the army? A I don't think I did, I think I said I didn't know exactly.

Q Didn't you in that case come back and make a correction in your testimony as to the length of time that you had been here since you came after you were discharged from the army? A Yes sir.

Q When you came back to make that correction, didn't you say that you were discharged in '65 and that you were discharged after the war closed? A I think I was discharged in '63.

Q I am not asking you when you were discharged, I am asking you what you said then? A I don't think I did.

Q When did the war close, what year? A I think it was in '61, wasn't it?

Q When did it commence? A You are just a little ahead of me when it commenced, I don't recollect it.

Q You were not discharged from the army until the war was over were you? A No sir, I was discharged twice, the last time the war was over.

Q What did they discharge you for the first time? A Three years service.

Q Then you went back the second time? A Yes sir.

Q How long did you stay then? A Two years.

Q How long did that war last? A Five years, wasn't it?

Q How long was it after you were discharged the last time before you came to the Cherokee Nation? A I think it was about three years, two and a half or three years.

Q What year did you get here? A In the spring of '66.

Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.

Q And you are certain you were discharged from the army after the war was over? A Yes sir.

Q And you got here in '66? A Yes sir.

Q Now, how did you do that? I went from Louisville, Kentucky where I was discharged, to Iowa, and from Iowa to Kansas and from Kansas here.

Q You don't really know anything about this applicant do you? A Only from my papers, it shows that I had some trading with him in '78.

Q You don't know how long he had been here before that? A No sir.

Q You don't know when he came here? A No sir, except when he came to Big Creek.

( By Davenport )

Q You don't know when the war began? A No sir.

Q Nor when it closed? A No sir.

Q Had Dave Stinger come to your place before Daniel Thompson came on Big Creek? A Yes sir.

( By Smith )

Q Where did you go after you were discharged? A Iowa.

Q Where did you go then? A Kansas.

Q Where did you stop in Kansas? A Neosho Falls River, between the mouth of Cherry and Fly Creeks on a creek called Short Creek.

Q Did you have any trouble up at Ocotopa? A No sir.

Q Were you never arrested in Kansas? A No sir.

Q Do you remember a man named Gage in Ocotopa? I don't remember, I am not acquainted with him.

Q Didn't you have any trouble with him and get arrested? A No sir.

Q Didn't he have you arrested? A I don't think so.

Q Don't you know? A I know I wasn't arrested there.

Q Have you ever been arrested at all? A Yes sir.

Q Where? A In the Cherokee Nation.

Q What for? A Cattle stealing.

( By Davenport )

Q What became of that case? A It was taken to Fort Smith and went before the Grand Jury and they didn't find any bill against me.

( By Smith )

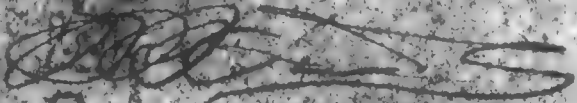
Q Are you a citizen of the Cherokee Nation? A Yes sir.

COLYOK  
This testimony will be filed with the original translation of  
Daniel Thompson, Charles Freeman, D-606, and also in U. S. D. cases  
D-625 and D-695 and their subordinates.

Once, von Weise, being first duly sworn, states that an stenographer  
to the Commission to the Five Civilized Tribes he reported in full  
all the proceedings in the above case and that the foregoing is  
a full, true and correct transcript of the stenographic notes therein.

*Chas. von Weise*

Subscribed and sworn to before me this 17th of October, 1902.



Commissioner

VALLEY EXAMINER

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T. October, 28th, 1901.

In the matter of the application of Abraham Ward et al., C. F. D. #807  
SUPPLEMENTAL TESTIMONY

Appearances:

W. F. Hastings for the Cherokee Nation.  
Mellotte & Smith for the applicants

By Mr. Hastings: I desire to file a certificate from J. A. Gady, County Clerk of Linn County, Kansas, showing that from the assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867, there appears the following: "Peter Ward, one female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Gady, certified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. R. Breckinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

(COPY)

State of Kansas: ss.  
County of Linn:

I, J. A. Gady, County Clerk within and for the above named County and State, do hereby certify that I have examined the assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867 and find that Peter Ward is listed on said rolls as follows: "Peter Ward, one female dog." said entry is on page 75 of said rolls. Said assessment rolls were filed in the office of said County Clerk on July 1, 1867, and said assessment and list of property owners was taken during the month of March, 1867, and based upon residence as said County for March 1, 1867, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 28th day of October, A. D. 1901.

(Signed)

J. A. Gady

(SEAL)

County Clerk of Linn County, Kansas.

By Commissioner Breckinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of counsel for the applicants, be filed in the cases to which this case refers and all references thereto as found upon the records of this Commission.

CHAS. VAN REESE, being sworn states that he stenographed to the Commission to the Five Civilized Tribes he reported in full all the above proceedings, and that the above copy of the certificate filed in this connection is a true and correct copy of the original, and further that the above is a full and correct transcription of his stenographic notes in said proceedings.

Subscribed and sworn to before me this 28th of November, 1901.

*[Signature]*  
Commissioner



To be filled with \_\_\_\_\_

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe  
Ross C.F.D. 350.

Appearances:

W.W.Hastings, for the Cherokee Nation.  
Mallette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 972, be made a part of the record in this case.

COMMISSION - - - It is further ordered that a sub of all the testimony given by Sam Webber in Cherokee Freedmen Doubtful case 872, the same being the case of Jefferson Ross be filed in the case Cherokee Freedmen D 350, of Joe Ross, and in Cherokee Freedmen D 426, of Chlofa Greyson and in Cherokee Freedmen D 216, of Aaron Webber.

--CO--

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

Appearances:

Mallette & Smith, attorneys for applicants;  
W.W.Hastings, counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Q. Smith: What is your name? A. Sam Webber.

Q. How old are you? A. About 58.

Q. Where do you live? A. I live about two miles west of here.

Q. How long have you lived in the Cherokee Nation? A. I was born and raised here, and after the war came back.

Q. Do you know this applicant, Jefferson Ross? A. Yes, sir.

Q. Were you acquainted with him before the war? A. No, sir, I wasn't acquainted with him before the war.

Q. When did you first know him? A. I got acquainted with him just after the war.

Q. Where? A. Here in the Nation.

Q. About what part of the Nation? A. He came to my house there on Big Creek in the Nation.

Q. What time? A. Along in the spring of '87.

Q. Do you know of your own knowledge when he first came back to the Territory after the war? A. No, sir, I don't know of my own knowledge.

Q. Do you know where he was living at the time he came to your house?

A. He had been working on Snow Creek he claimed and he was on his way hunting his sister.

Q. Did you ever see him after you saw him that time? A. I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightning Creek.

Q. Did you see him then after that at his sister's? A. I saw him then often and on for near about two years I guess.

Q. Where? A. There at Lightning Creek.

Q In the Cherokee Nation? A Yes, sir.  
Q Was he married or a single man at that time? A He was a single man to my knowledge.  
Q Do you know where he is living now? A No, sir, I don't.  
Mr. Hastings: You saw him around here for about two years?  
A Yes, sir.  
Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.  
Q How long after that? A Must have been six months of a year after that I met him again there.  
Q You know where he was married? A No, sir, I can't tell you.  
Q Was he married at that time? A If he was I didn't know it.  
Q Did you know his wife? A No, sir, I don't know his wife.  
Q Did you ever see his wife? A Not to know it was her.  
Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.  
Q What was her name? A Katie Thornton.  
Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.  
Q What is his occupation? A I can't tell you.  
Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.  
Q He never made a crop to your knowledge? A No, sir, not to my knowledge.  
Q Has he got any special occupation like a carpenter? A Not as I know of.  
Q What is Katie Thornton's husband named? A Henry Thornton.  
Q Was that her husband at that time? A Yes, sir.  
Q With whom does this man stay now? A I don't know that.  
Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.  
Q Did he have any children when you saw him? A I never saw them if he did.  
Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:

Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I don't remember what year.  
Q Before you came down here? A After I came down here.  
Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.  
Q Well, you know what time of the year you were married? A I was married along in the winter.  
Q Was that the same winter you came, or the winter of '67? A It was along about, it thowed in '87, it was after Christmas.  
Q You mean in January of '87 or the last part of '87? A It was along after Christmas, I don't remember the date.  
Q What was your wife named? A My wife at that time was Rhoda Martin.  
Q When did you commence keeping house? A I went in my house when I first came there.  
Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.  
Q What time in the year did you and your wife move into that house? A We moved right in the house after we were married.  
Q And you don't remember when that was, what time of the year? A Along after Christmas, I was already in the house.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original transcript.

(signed) M. D. Green.

Subscribed and sworn to before me this November 10, 1901.

(Signed) J. C. Starr,  
Notary Public.

(SEAL)

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

*A. R. Cheever*

Sworn to and subscribed before me this 11th day of August, 1902.

*Grace E. Jones*  
Notary Public.

Col. W. B. 818. Freedom.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Washoe, D. C., March 3, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application of  
EDWARD BROWN as a Cherokee Freedman, introduced on part of his  
Cherokee Nation.

The Cherokee Nation by its representative takes exception  
any proof of service on F. B. Lawson, the attorney for the  
applicant in this case, that testimony would be introduced  
on the



representatives of the Cherokee Nation, leading to divorce the  
right of said nation, Edward Wright to citizenship in the  
Cherokee Nation at the time of the Commission in 1838, and from 1838  
to 1840, or until the war could be heard by the Commission.  
You can see the public business hours.

Cherokee Nation by its representative, L. H. Bell.

O. E. Rogers, being duly sworn, testified as follows on  
part of the Cherokee Nation.

UP, BELL:

- Q Tell him your name? A O. E. Rogers.
- Q Age? A 33 years old.
- Q Place of residence? A Oklawaha.
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q How long have you been here? A All my life, a little over 25 years.
- Q Did you go out of the country during the war? A Yes, sir.
- Q When did you return? A 1866.
- Q Where did you come to? A I came to Fort Chassey.
- Q And stayed there did you? A Yes, sir.
- Q Tell what was your business? A After I came back.
- Q First? A I followed freighting for something over three years.
- Q Where and between what places? A Sedalia and Pleasant Hill  
and Kansas City to Fort Gibson.
- Q Were you ever employed with a Freedman by the name of Moses  
Whitfield? A Yes.
- Q Where did he belong before the war? A He belonged in Coles  
County, Missouri.
- Q Do you know what particular district he belonged to?  
A I don't remember whether he belonged to George Whitfield or Lee  
Whitfield.
- Q Did you see him when did you first see Moses Whitfield after  
the war, after your return to the Cherokee Nation?  
A As well as I can remember it was in February, '67, I met him just  
when this side of the Neosho River, as they were moving back to this  
country from Kansas. They were between 24, from 24 to 20 miles  
as I look at it on the side of the Neosho River. Dick Whitfield,  
Moses Whitfield and Major Wright and old Major Wright is all  
there in the camp.
- Q Did you have any conversation with them, stop and talk with  
them, sir, and Col. Bill Ross stayed while I was staying in  
camp to Fort Scott.
- Q And you ask them where they were going to? A They said they were  
moving back.
- Q Well this 25 or 30 or 40 wagons was loaded with  
A Yes, pretty every one had household goods in  
A Colony of Cherokee Freedmen. A Yes, sir. I back to the  
Cherokee Nation.
- Q Tell now that was where you say it was? A It was right on  
this side of the Neosho River, between the old place and  
Neosho River.
- Q How far from the Neosho River? A I always half a mile.

Q Not far from the western line of the Cherokee Nation?  
 A I think the river is the line, about half a mile.  
 Q And how far is that from the Kanawha River? The house is the  
 line, you say, or is it?  
 A You had reference to where the military road crosses the Kanawha  
 River? A Yes, sir.  
 Q At what place?  
 A That place is known as the  
 bridge.  
 Q And this house is about a mile from the river?  
 A And this house is where you met and talked with the man who  
 you took in going south and belonged to the military road?  
 A Yes, sir.  
 Q About how old a man was he when you met him? A He is an old  
 man I think than I am.  
 Q And you saw him with his wife? A I think I saw him with  
 his wife and his old Major Wright is the old man I know.  
 Q And you talked with him then? A Oh, I guess I talked with him  
 ten or 15, 20 minutes and while I was talking to him, Col. Ross was  
 going to Fort Scott.  
 Q Do you know where this man and his wife lived now, Major Wright?  
 A No, I don't know where he lives.

MR. PASTOR: Cherokee Representation.

Q Don't you know his name on Salt Creek near T. York? A No.  
 I can't know for certain I heard he lived on the creek. I don't know  
 his name. I have no idea what his name is. I don't know  
 I don't think I ever was at his house.

-----

I hereby certify upon my official oath as stenographer in the  
 commission to the Five Civilized Tribes that I correctly recorded  
 the testimony and proceedings had in the case on the above date  
 and that the foregoing is a true and complete transcript of the  
 stenographic notes thereof.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_  
 1904.



N. 118.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Wash., D. C., May 20, 1902.

In the matter of the application of Edward Wright for the enrollment of himself and Charles Washington.

APPEARANCES:

For J. C. Coville, representing E. E. Lawson, for applicant  
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, offers satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902, introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Indian. The applicant this day appears by his attorney, E. E. Lawson, who is represented by J. C. Coville, Attorney, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Cherokee Commission on citizenship as found on page 52 of a book taken from the records of the Executive Department of the Cherokee Nation entitled "Book of the Cherokee Commission on Citizenship," as follows:

No. 25 Edward Wright

vs

Cherokee Nation.

(Ex. VII of June.

Never filed.

Dismissed against claimant June 27, 1879.

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same the following:

No. 26 Major Wright

vs

Cherokee Nation.

(Ex. VIII of June, 1879.

Not filed.

Not filed.

Dismissed against claimant June 27, 1879.

The Cherokee Nation offers in evidence the application of said Edward Wright for citizenship in the Cherokee Nation by said Wright on the 20th day of June, 1879, as found on page 156 and 157 of book 3 of the records of the Cherokee Nation, as follows:

That the said Edward Wright is a person of color and is not a Cherokee Indian citizen.

The undersigned standing in the case of

Edward Wright

vs

Cherokee Nation

respectfully presents the following statement of his plain statement as the requirement of the Commission:

Claimant gives under a claim of citizenship of himself in the law creating said citizenship that he is a colored person formerly a slave owned by a person of the name of the nation of the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

claimant was at the time and place above said owned by George Whitmore, a Cherokee citizen, lost the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they could subsist without discomfort and exposure and until a removal of them was practicable which removal of claimant finally was accomplished to the point of the Nation settled by claimant for theirs and his home in the spring of 1867.

Claimant's rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 25, 1873.

Lewis Whitmore,

By E. P. Brudinet, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmore as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee citizenship.

In case of Moses Whitmore

vs

Cherokee Nation.

claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmore, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by revision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmore as extending the facts which the present claimant would submit to the Commission on the grounds of his claim.

Respectfully submitted,

Moses Whitmore.

This 20, 1873.

By E. P. Brudinet, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before Court of Commission Cherokee Court, Book A, page 270, case No. 60, as follows:

Aaron Whitmore

Cherokee Nation.

Tahlequah.

July 2, 1873.

I, Aaron Whitmore, a witness for claimant called and sworn. I am a man about 40 years old, I live in Illinois. I am a citizen of the Nation. I have been on the Council roll but had my rights removed by the Supreme Court.

as a citizen under the treaty of 1865. I went north to the state of Kansas in '62. I returned to August - 21st of 1862. I left my family in Fort Scott when I came. I came down to get a claim. I staid about three weeks then I came back and returned to Fort Scott. After I returned to Fort Scott there were others who started down, and Whitmire was of that number. The claimant was one of them. They came down in Decr. 1862. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1863 and got to the crossing of the Neosho River about the last of January. When I first came down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of the party gone with the Whitmire who piloted the Whitmire party and the party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Buck Sanders.

The Whitmire proper were Aaron, Lewis, Moses, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting houses. When I moved with my family I stopped on Payors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistence. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were some who come here were authorized by others to locate claims for them, one was by Hakey requesting Abe Fields to locate for him. The original request first.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses. I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1863. I was a slave before the war and was owned by Sam Taylor with the war broke out. He was living on Greenleaf near Sugar Mountain on this side of Arkan. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not at home. I only heard this from the war closed in 1865 I think. I did not know it myself but people told me they could read.

I do not know myself that it was the month of Aug. when I came here first, but I was told it was that time.

Re Direct.

It was the November following the time I first came down that Sam Whitmire came down first to select and locate claims.

Wink x Daniel.  
His Wk.

Aaron Whitmire

ya  
Cherokee Nation, August 1, 1874.  
called and sworn. Sanford, Alberty, witness and signant.

I reside in Cherokee Nation, S. W. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the east side of Grand River, Cherokee Nation.





Cross Examined.

I am a claimant before this court for citizenship. I am half-brother of Aaron Whitmire, Louis, Dennis and Nelson and also my brothers. Hannah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Heige, Will Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any others. Witness was a son of family in 1866 when we came on from Kansas. My family was at Fort Scott. Nelson, Natliff, Dr. Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Sam, Nelson and Allen were Aaron's children and my wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1867 to Kansas after coming to the Nation. Then witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Heige and the families of those who had families all come as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Hannah Whitmire was in the Nation after the war closed was after our parties returned in 1867.

The first time Major Wright returned was on our first trip in 1867. Nelson's Natliff was owned by one spec R Natliff at breaking out of war. She first came in March 1867. Jack Lockman was alone in 1866. He was alone at the beginning of the war. I was present during the examination of Mr. Liberty as a witness in this case.

He Direct.

Hannah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his father on the first trip in 1866. Witness is about 55 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest.

D. L. Nicholson,

clerk.

Major Whitmire,

mark.

Case No.

Aaron Whitmire & family

vs

claiming citizenship.

Sherokee Nation

Now comes plaintiff by attorney before the commission sitting at Tahlequah to try certain claims for citizens: him in the Cherokee Nation and makes this his statement of the grounds for said claim to wit:

Witness is a colored person and claims as a freedman under privilege of the fifth specification of the classes of claims preferred by law to the commission to examine and decide claims by competent authority having been denied citizens.

Claimant belonged to Gen. Whitmire & Cherokee citizen at the commencement of the war of the rebellion and was then living in this

ration. After the beginning of said war claimant moved to the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Verdigris River, for himself and family's permanent residence. While he was thus making preparations for the removal of his family by providing for their habitation and subsistence at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to omit his work upon the improvement on Verdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return, consistent with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,

David Whitmore,

By Atty. Wm. P. Whitmot.

David Whitmore

vs

Cherokee Nation.

August 1st, 1878.

Wm. Morris, witness for claimant, called and sworn.

I live on Big Creek, Comanche County, T. H. I am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old military road leading from Fort Scott, Kansas to Fort Gibson, C. H. As acquainted with claimant and his brother, Lewis, never knew them until I met him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having met claimant and Wase, Lewis, Dennis and Nelson, William, Peter, George, Mike Sanders, Sam Rabbe, and Young Sam. They were traveling. They stated they were coming from Fort Scott. They were traveling from the direction of Fort Scott. I crossed them from the shrouded side of the River into the Cherokee Nation; they inquired as to Big Creek. Nelson gave them the directions to the head of Big Creek. They stated the reason they were coming was that the Cherokee delegation had invited them to come back under the treaty. They mentioned Jim Kennard as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the delegation returned that I met claimant and the others spoken of. It was pretty good weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned before and war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time.



I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Walter and Dennis Whitmore and Little Sam Hester and I think they were some of the parties from conversation with them, but I learned the names particularly acquainted with their names at that time. I think there was one man with the party, I think he was Little Sam Hester though I would not be quite positive that there was a woman along or not. I was positive there was no children as I never saw any. They had camped there long enough that some they and women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had not there in March 1867. I know this from having heard it generally talked amongst themselves.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time. I met them over the river. When I saw them in the fall of 1867 they had their families with them. The means of subsistence at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmore

vs

Cherokee Nation.

July 4<sup>th</sup> 1870.

Wm. McRacken for claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to going Snake his former home in the Nation and seven of claimant's brothers were behind on the road. Witness is a citizen of this Nation and knew claimant before the war.

Attest:

R. L. Nicholson, Clerk.

Wm. McRacken.

Aaron Whitmore

vs

Cherokee Nation.

Samuel Liberty.

George Whitmore before the war lived in going Snake his old met. borders on the line of the state of Ark. Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was where George Whitmore now resides. I would say the distance from where George Whitmore resided prior to the war, and claimant's present residence is 80 or 100 miles. Witness states that he had a conversation with Sam Hester in which Hester claimed to be a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies of on thickly settled and advanced to be in an uncultivated part of the country. This was thought best for the colored man as they could have their own schools so until better were established in the country. The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867, on Big Creek or Lightning Creek in the Nation.

The home of claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave claimant and other colored men permission to occupy two old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire is the name of the white man, I also permitted to go on the old field. The Spring of 1867 I saw Aaron and Louis Whitmire at work on the two fields spoken of. This settlement of colored folks has the character of quiet industrious and law abiding citizens as much as any in the Nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the fall of 1866 saw this colored party who settled on Big Creek afterwards in the neighborhood for the purpose as they said at the time of collecting their homes. Several claims was then in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.

Agent Jones was at the time advising said Col party. A Delegation for the Cherokee Nation at Washington. There were parties as witness learned from one of them who wished to expel or drive off from their claims this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is herding wild cattle. I travelled a good deal in that neighborhood at that time spoken of.

"Continued on page 223."

Aaron Whitmire et al. July 16<sup>th</sup> 1878.

vs

Cherokee Nation.

John Riley,

sworn as witness for Deft. I live in Coopers Cove Dist. I first moved there in 1852 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I knew Aaron Whitmire. He returned or came to the Virginia River to live in the month of March 1867. Also came at the same time Pat & Reige, Mike Sanders, Sam Webber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a come that spring in 1867 on an old place of Aaron Landrum. He had nothing no other place before that.

Cross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Decr. 1866 to locate homes but I hear of some who came in Sept. '66 for that purpose. I know where Aaron Whitmire lived at that time. I was near Goody's place in Decr. '66. I live on the west side of the river. Claimant lives and settled on the east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of anyone coming down in the part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmire was not along but Mike Sanders, Sam Webber, Colbert & perhaps Billy Foreman. Hester was not along. Dennis was not along as I know of nor Manish nor Major Wright nor Nelson Whitmire that I know of. If any such party had come down in Decr. 1866 I think certainly I would have known it.

Joseph Riley,

Randolph Riley.

(Page 223)

About the middle of May 1867 I first saw these families at their new homes. Plaintiff and others of this colored party told witness that they returned in March 1867 to the Nation.

Re Direct.

I learned from John Coker that most of this colored party returned to Kansas after their families had been terminated. I was at General Convention of the Colored People in 1866. It was my understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty of 1866. The treaty was concluded the 8th of Aug. 1866. Information. It might have been July 10, 1866.

Witness went south during the war. J. B. Jones was at the time herein mentioned U. S. Agent but was a Delegate to the Cherokee Nation.

B. W. Albany.

Attest

D. L. Nicholson,  
Clerk.

Aaron Whitire )

vs )

Cherokee Nation. )

Tableau May 10, 1878.

This day comes John P. Lyons Atty Gen Cherokee Nation and denies all and singular the allegations of plaintiff contained in the above named case.

John P. Lyons,  
Atty Gen C. N."

----

Arthur G. Croninger, being first duly sworn, states that as his stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1862.

(SEAL)

(Signed) P. G. Feuter.

Notary Public.

----

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Subscribed and sworn to before me this 15th day of Aug., 1862.

*Arthur G. Evans*  
Notary Public.

To be filed with F. D. 626.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May, 13, 1902.

In the matter of the application of Elizabeth Neigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by E. W. Hastings.  
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testifies as follows:

- MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
- Q What is your postoffice? A Fort Scott, Kansas.
- Q Do you hold any official position at the present time? A Yes, sir.
- Q What is it? A County Clerk.
- Q Of the county in which Fort Scott is located? A Yes, sir.
- Q Have you an official paper? A Yes, sir.
- Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.
- Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
- Q What was it? A The Fort Scott Monitor.
- Q Are you required to keep files of this paper in your office? A Yes, sir.
- Q Have you a file of the official paper including December, 22, 1866, up to and including March of 1867? A Yes, sir. (Here presents files.)
- MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 22, 1866, found on the second column of the editorial page, headed "Another Murder."
- MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.
- COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.

Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 22nd. inst., after dark, Mr. Dyer Hayford, of this city was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford, has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these.

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.



Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Maygrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. P. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and J. P. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Henler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left hip, and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonso Gullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me where it was when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing tight and art; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. O. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's freck coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neill, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Matthews, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.



and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows.

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

#### "A Chapter of Horrors."

Murderer of Hayford Captured and Hung.

Tragical events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 30th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charles Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hope that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender, but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Jefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation.

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always appreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully, generous and brave to a fault, the death of one and the danger to the other created a spirit of sadness that cannot soon be eradicated. The body of Mr. Doe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetery where it was interred.

#### Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vane - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning.

Benjamin Files, being first duly sworn, testified as follows:

Q. What is your name? A. Benjamin Files.

Q. Where is your postoffice? A. Fort Scott.

Q. Kansas? A. Kansas; yes, sir.

Q. Were you living there at the close of the war? A. Yes, sir.

Q. Were you living there in '80, December? A. I have lived there ever since '62.

Q. Did you know Dyer Hayford? A. Yes, sir.

Q. Had you known him before December '80? A. Yes, sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q. Was he killed? A. He was killed at Fort Scott.

Q. Was he killed in the town? A. He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.

Q. About what time of the day was he killed? A. He was killed just after dark, just dark.

Q. Do you know who killed him, who was said to have killed him, who was accused of killing him? A. Yes, sir.

Q. Who? A. Mr. Mackey.

Q. Was he a colored man? A. Yes, sir, he was.

Q. Did you assist in his arrest? Yes, sir.

Q. Who arrested him? Yourself and a man we called Deacon Jones.

Q What with other men here with you? A Yes, sir.

Q About how long after this reported killing? A I heard the shots fired, then I ran down there and ran over him; I lit a match and this man drew his breath twice. From the time the shots fired I wouldn't it was more than twenty minutes.

Q Twenty minutes? A Yes, sir.

Q Had it become generally known at the time of the arrest? A No, sir.

Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and ran down there.

Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.

Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.

Q Was he put in jail? A Yes, sir.

Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 28th I think it was.

Q Of February following, of '07? A Yes, sir.

Q Well did he make his escape? A He got away.

Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.

Q Ed Coe was the turnkey was he? A Yes, sir.

Q I will ask you then if there was any searching parties out for this man? Yes, sir.

Q For how long? I think he was killed on the 30th of March.

Q From then about the 30th of February until the 30th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.

Q Well were there quite a number of people out searching for him?

A Yes, sir.

Q Considerable excitement at that time? A Yes, sir.

Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.

Q Up until that time? Yes, sir.

Q You say that was for about three weeks? A Yes, sir, something over three weeks.

Q From the 30th of February up until about the 30th of March? A Yes, sir.

Q Do you know whether this Ed Mackey was reputed to be a Cherokee tracker or not? A Yes, sir, he was.

Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.

Q That I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 30th of February? A There was no search made for Mackey until he broke jail.

Q He houses searched, nor he weapons, nor anything when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.

Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.

Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.

Q You was a friend of his? A Yes, sir.



H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q What is your age, please sir? A 62.

Q Were you holding any office in the town of Fort Scott, Kansas, in December of '68? A I was.

Q Well were you holding any office at the time a man named Rayford was killed by Eli Mackey? A I was.

Q What office was that? A City Marshal, called town constable.

Q You was a city policeman? A Yes, sir.

Q Did you assist in his first arrest? A I did.

Q Who assisted you in the arrest? A Mr. Benjamin Files.

Q This man that's present here? A Yes, sir.

Q Did you hear the shots that killed Rayford? A I did.

Q How soon after Rayford was killed was Mackey arrested, Eli Mackey? A 20 or 25 minutes, inside of a half hour at most.

Q Very short time? A Yes, sir.

Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.

Q People didn't generally know it up to that time? A No, sir.

Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.

Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.

Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.

Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.

Q He made his escape then? A He made his escape, yes, sir, at the time.

Q You know how long he was at large? A Well I put it something like three weeks.

Q I will ask you if there was any searches at that time made for him? A You mean after?

Q When he got away after February 26th? A Oh yes, sir, there was considerable want for him at that time.

Q Reward offered for him? A Yes, sir, reward offered.

Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.

Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.

Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COMMISSIONER: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.

Q '87? A In '86 the killing was done.

Q Few days before Christmas of '86? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-416, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Does the agent for the applicant ask that the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant and immaterial and not the best evidence, it being a copy, rather than the original? The request of the respondent has been denied by the Cherokee Nation and will be denied with, and the same will be taken as true.

This testimony will be taken as true in the following Cherokee Freedmen cases, to-wit: D-401, D-402, D-404, D-407, D-475, and in D-391, 190 and being a case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(Signed) Philip C. Butler

Notary Public

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

*Arthur G. Evans*

Subscribed and sworn to before me this 14th day of May, 1902.

*Philip C. Butler*  
Notary Public

No. 2-222.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Washington, D.C., May 21, 1902.

In the matter of the application of Joseph Smith et al for enrollment  
as Cherokee Freedmen.

SUPPLEMENTAL NO 2-222.

APPEARANCES:

Louis F. Brown, representing Mellette & Smith, for applicants.  
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that a copy of the  
testimony taken by the Cherokee Nation in the case of Abraham Ward,  
Freedmen Doubtful 487, be filed with and made a part of the record  
in this case.

COMMISSIONER: The request of the Nation will be complied with  
and the testimony filed.

Arthur G. Croninger, being first duly sworn, states that as  
stenographer to the Commission to the Five Civilized Tribes he re-  
ported in full the proceedings in the above case, and that the  
foregoing is a true and complete transcript of his stenographic  
notes thereof.

Arthur G. Croninger:

Subscribed and sworn to before me this 21st day of May, 1902.

(Seal)

John P. Smith  
Notary Public.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I.T., May 27, 1902.

In the matter of the application of Joseph Smith et al for  
enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-622.

APPEARANCES:

Mellotte & Smith for applicants.  
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that all the testimony taken by the Cherokee Nation in the case of F. B-618, also the testimony in Freedmen Doubtful 616, also the testimony of Reuben Sanders, together with the testimony taken on the part of the Cherokee Nation in the case of Freedmen Doubtful 621, be introduced and made a part of the record in this case.

MR. SMITH: The applicant objects to the introduction of the above offered matter for the reason that the same is not the best evidence, and that it is incompetent, irrelevant and immaterial, and does not tend to prove any issue in this case, and because no foundation was laid for the offer of impeaching or contradicting evidence by asking witnesses when upon the stand in this case whether they had made such statements, and because the same is not the best evidence, and because the same is hearsay, and because it was not taken under the rules and regulations of this Commission with reference to notice and opportunity for cross-examination so far as it applies to this case.

COMMISSION: This testimony will be filed with and made a part of the record in the following freedmen cases: Healy Vebber, D-623; Lewis Vebber, Sr., D-624; Russell Henderson, D-625; William Vebber, D-626; Vint Henderson, D-627, and in the case at bar, being that of Joseph Smith, D-622. It appears that the applicants in the above cases are represented by Mellotte & Smith.

Arthur G. Granger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Granger

Subscribed and sworn to before me this 7th day of July, 1902.

(Seal)

J. R. Kester  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment  
as a Cherokee Freedman:

Applicant appears by Mellotte & Smith; Cherokee Nation, by  
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified  
copy of the decree of the Court of Claims in the case of  
Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,  
No. 17209 filed in the Mariah Hayden case F. T. 130, a part of the  
record in this case and the cases hereinafter mentioned by refer-  
ence to the said case of the said Mariah Hayden, and if it be deemed  
necessary that a copy of the said decree be filed in this case and  
in the following cases, to-wit.

Joe Smith, D 626;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-  
duction of the decree because, First: It does not tend to show that  
the applicant was a slave of the Cherokee Nation at the beginning  
of the war, nor that he returned within the time specified in the  
treaty of 1866, or that he had been a continuous resident of the  
Cherokee Nation since that time, or that he is a descendant of such  
a person. Second: Because the same is incompetent, irrelevant  
and immaterial, and does not tend to prove an issue in this case.  
Third: Because the Commission will take judicial knowledge of all  
laws, treaties and decrees necessary for the determination of the  
right of any person who makes application for citizenship.  
Fourth: The Cherokee Nation objects to the filing of a certified  
copy of this decree in the case of an applicant unless the same is  
called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be en-  
tertained and the decree of the Court of Claims filed in the case  
of Mariah Hayden will be made a part of the record by reference in  
all the cases above named with the exception of those which come  
within the provisions of the temporary injunction recently granted  
by Judge Gill of the United States Court, of the Northern District,  
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named  
cases including the Mariah Hayden case that counsel for the appli-  
cant be allowed within thirty days to file any of the proof of any  
or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation certainly most strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

-----  
The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,  
Notary Public.

-----  
I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

*E. C. Bagwell*

Subscribed and sworn to before me this July 29, 1902.

*P. G. Reuter*  
Notary Public.

RBA

166

Cherokee Freedmen D-626.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Joseph Smith, et al., as Cherokee Freedmen.

-:-

DECISION.

The record herein shows that on June 8, 1901, Joseph Smith appeared before the Commission at Chelsea, Indian Territory, and made application for the enrollment of himself and minor children, Fred, Laura, Elmer and Lovely Smith, as Cherokee Freedmen. Copies of the testimony taken at different times and places in the cases of Abraham Ward, et al., C.F. D-607, Daniel Thompson, et al., C.F. D-606, Joe Ross, C.F. D-350, Aaron Webber, C.F. D-216, Elizabeth Meigs, C.F. D-391, Samuel Beck, et al., C.F. D-775, and Edward Wright, C.F. D-818, is filed with, and made a part of the record in this case.


The evidence herein shows that the principal applicant, Joseph Smith, was the slave of a Cherokee citizen at the commencement of the Rebellion; that during said Rebellion he was taken out of the Cherokee Nation, and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1895, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation. The minor applicants herein are children of the said Joseph Smith, and possess no rights to enrollment other than as descendants of their said father.


The principal applicant herein testifies that after the close of the war he returned to the Cherokee Nation with Peter and Abraham Ward and Mr. Meigs. In the cases of Peter Ward, et al., C.F. D-818 (B-202), Abraham Ward, et al., C.F. D-607 (B-203), and Elizabeth Meigs, C.F. D-391, this Commission has found that applicants in said cases did not return to the Cherokee Nation within the time specified in the Whitmire decree, and in the first two above mentioned cases the decisions of the Commission have been approved by the Department, under date of April 29, 1904.

It is, therefore, the opinion of this Commission that the application for the enrollment of Joseph Smith, Fred Smith, Laura Smith, Elmer Smith and Lovely Smith, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 ( 30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman

  
Commissioner

  
Commissioner.

Muskogee, Indian Territory,  
JUN 23 1905

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

JUN 21 1901



ACTING CHAIRMAN

72984





COMMISSIONERS

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,  
SECRETARY

Nowata, Indian Territory, June 21st, 1901.

Received of the Commission to the Five Civilized Tribes,  
one copy of the the original testimony ~~in~~ of June 8th, 1901, in  
the matter of the application of Joseph Smith et al for enrollment  
as Freedmen of the Cherokee Nation.



Attorney for Applicants.

Cherokee F. #D626.

N<sup>o</sup>. D 626

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on.....

by delivering a true copy thereof on the  
..... day of..... A. D. 1901

Given under my hand this .....  
day of..... A. D. 1901.

.....  
Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the

..... day of SEP 18 1901, 1901.  
*W. L. Smith*  
Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } s. s.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to .....

.....  
on the ..... day of..... A. D. 1901

.....  
Subscribed and sworn to before me  
this ..... day of..... A. D. 1901.

DEPARTMENT OF THE INTERIOR,  
Notary Public  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
SEP 20 1901

*W. L. Smith*  
ACTING CHAIRMAN

# NOTICE!

IN THE MATTER OF the application of Joseph Smith  
for enrollment as a Cherokee citizen:

Case No. D 626

To Joseph Smith or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Indian, Indian Territory. Indian Territory, on Oct. 5th at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 16 1901

L B Bell  
M. W. Hastings  
Attorneys for the Cherokee Nation.

NO. 50626

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT,

I do solemnly swear that I delivered a true copy  
of the within notice to

on the ..... day of ..... A. D. 190 .....

Subscribed and sworn to before me this

Notary Public.

I, the undersigned attorney for the within named  
applicant, hereby accept service of the within notice

on this the 24 day of May 1902

Attorney for Applicant.

I, the undersigned agent for the within named  
applicant, hereby accept service of the within notice

on this the ..... day of ..... 190 .....

MAY 26 1902

Agent for Applicant.

ACTING CHAIRMAN

FILED  
MAY 26 1902

ACTING CHAIRMAN

## NOTICE.

In the Matter of the application of **Caesar Smith.**  
for enrollment as Cherokee citizens :

To **Caesar Smith, or Mellette & Smith his attorneys,**

**Vinita, I. T.**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on **May, 27, 1902.** A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this **May, 24, 1902.**

No. **F D 626.**

*L. B. Bell*  
*W. W. Harrison*  
*Jas. D. Smith*  
Attorneys for the Cherokee Nation.

COPY.

Cherokee Freedmen  
D-626.

Muskogee, Indian Territory, June 23, 1906.

Joseph Smith,

Lenapah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 23, 1906, rejecting the application for the enrollment of yourself, et al., as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

*Tamm Dixie*

Chairman.

Incl. 8-88

Register



COPY.

Cherokee Freedmen  
D-626.

Muskogee, Indian Territory, June 23, 1905.

Edgar Smith,

Attorney for Joseph Smith, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, rejecting the application for the enrollment of Joseph Smith, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 8-89  
Register

SIGNED

James Bixby  
Chairman.

COPY.

Cherokee Freedmen  
D-626.

Muskogee, Indian Territory, June 23, 1905.

Bell, Hastings & Davenport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, rejecting the application for the enrollment of Joseph Smith, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 8-90

(SIGNED)

*Tame Bixby*  
Chairman.

COPY

Cherokee Freedmen  
D-626.

Muskogee, Indian Territory, June 23, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Joseph Smith, et al., as Cherokee freedmen, including the Commission's decision dated June 23, 1905, rejecting said application.

Respectfully,

Incl. 3-91

Wm. Tame Bixby  
Chairman.

Through the

Commissioner of Indian Affairs.

REFER IN REPLY TO THE FOLLOWING:

Cherokee F.  
D. 626.

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 26, 1906.

Joseph Smith,  
Lenapah, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, rejecting your application for the enrollment of yourself and children, as Cherokee freedmen, was affirmed by the Secretary of the Interior, July 18, 1906.

Respectfully,

Commissioner.

LMO

COPY.

Land.

49269-1908.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,  
Washington.

July 29, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 23, 1908, transmitting the record of the application for enrollment as Cherokee Freedman by Joseph Smith for himself and his minor children, Fred, Laura, Elmer and Lovely Smith.

June 23, 1908, the Commission decided adversely to all the applicants.

The record shows that Joseph Smith was the slave of a Cherokee citizen at the beginning of the war of the rebellion, that during the war he was taken out of the Cherokee Nation, and did not return thereto on or before February 11, 1867. The minor applicants are children of Joseph Smith and possess no rights to enrollment other than as his descendants.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

O. F. Larrabee.

Acting Commissioner

D. C. P. Y.

3772

D. C. 30331

DEPARTMENT OF THE INTERIOR

LHB

I. T. D. 2622-1905

Washington.

LHB

July 18, 1905.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

June 25, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Joseph Smith and his minor children, Fred, Laura, Elmer, and Lovely Smith, as Cherokee freedmen.

Reporting July 29, 1905, the Indian Office recommended that the decision of the Commission, adverse to the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision dated June 23, 1905, is hereby affirmed.

Respectfully,

Jesse M. Wilson.

Assistant Secretary.

1 inclosure.



Cherokee F.  
D. 626.

COPY.

Muskogee, Indian Territory, July 26, 1906.

Joseph Smith,  
Lenapeh, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, rejecting your application for the enrollment of yourself and children, as Cherokee freedmen, was affirmed by the Secretary of the Interior, July 18, 1906.

Respectfully,

~~signed~~

*Tame Bixby.*  
Commissioner.

LMO

Cherokee F  
D. 626.

COPY.

Muskogee, Indian Territory, July 26, 1906.

Blue & Bulger,

Attorneys for Joseph Smith, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, rejecting the application of Joseph Smith for the enrollment of himself and children, as Cherokee freedmen, was affirmed by the Secretary of the Interior, July 18, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

*Tamm Bixby.*

Commissioner.

Incl. C-66  
LMG

Cherokee F  
D. 626.

COPY.

Maskogee, Indian Territory, July 28, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Maskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, rejecting the application of Joseph Smith for the enrollment of himself and children, as Cherokee freedmen, was affirmed by the Secretary of the Interior, July 18, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

*Tame Eixby*  
Commissioner.

Incl. C-47  
LMC

CHEROKEE FREEDMAN. D 626.

20

IN RE

Application for Enrollment of

INFANT CHILD

Fred Smith

as a citizen of

CHEROKEE Nation.

Approved, JUN 8 1901

190

*[Signature]*  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 8 1901

*[Signature]*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the **CHEROKEE** Nation,  
of Fred Smith, born on the 28 day of June, 1884  
(Here insert name of child.)  
Name of Father: Joseph Smith, a citizen of the Cherokee Nation.  
Name of Mother: Eliza Smith now dead, a citizen of the Cherokee Nation.  
Post-office, Sevukah L. I.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, }  
District. }

I, \_\_\_\_\_, on oath state that I am \_\_\_\_\_  
years of age and a citizen, by \_\_\_\_\_, of the \_\_\_\_\_ Nation;  
that I am the lawful wife of Dead, who is a citizen, by  
\_\_\_\_\_ of the \_\_\_\_\_ Nation, that a \_\_\_\_\_ child was  
(male or female)  
born to me on the \_\_\_\_\_ day of \_\_\_\_\_ 1884; that said child has been  
named \_\_\_\_\_, and is now living.

## WITNESSES TO MARK

(Must be Two  
Witnesses) }

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1900.

NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, }  
Northern District. }

I, Joseph Smith, father of Fred Smith, do hereby state that I  
do hereby state that the mother of said Fred  
Smith who was born on the 28th day of  
June 1884 is dead, as is also the attending  
(male or female.)  
midwife and there is no other living witnesses  
to the birth of said child. I further state the said  
Fred Smith is now living. Joseph Smith  
WITNESSES TO MARK  
(Must be Two  
Witnesses) }

Subscribed and sworn to before me this 8 day of June 1900.

Louis T. Brown  
NOTARY PUBLIC.

76. 2 1861

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**  
JUN 8 1901

*[Signature]*  
ATTORNEY GENERAL



MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 8 - 1901

Post Office Lenoir

District Co. 1

1. Name Joseph Smith

Owner's name Ned Smith

Year 1880 Page 139 No. 3458

Age 45

Citizenship Cherokee

District 1000

Parents:

Father James Smith dead

Citizenship Reformed

Mother Matilda " "

Citizenship "

2. Name of wife

Age

Owner's name

Citizenship

Year Page No. District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

1. Ned Smith

Year Page No. Dist.

2. Emma

Year 1880 Page 139 No. 3461 Dist. 1000

3. Oliver

Year 1880 Page 139 No. 3464 Dist. "

4. Percy

Year 1880 Page 139 No. 3463 Dist. "

5.

Year Page No. Dist.

6.

Year Page No. Dist.

7.

Year Page No. Dist.

8.

Year Page No. Dist.

9.

Year Page No. Dist.

10.

Year Page No. Dist.

11.

Year Page No. Dist.

12.

Application made by Joseph Smith

Stenographer Thomas Weisk

Not on R. R. Roll as Joe Smith

Not on Wallace Roll P. 140 No 2930, 1000 Dist

No 2 not on any roll. Birth certificate required

Ref to R 607

Represented by Mellett & Smith, Agents, D. C.

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**  
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Joseph Smith,

Washington, D. C.

1902-620.

Re: Cherokee.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 826

Trans. from F. D. 467

Cher. Fr. R. 826

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelsea, I.T., June 1, 1901.

In the matter of the application for the enrollment of Si Martin as a Cherokee Freedman.

Wilson Towers, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Mallette & Smith, attorneys for Applicant;  
W.W.Hastings, present for Cherokee Nation.

- Q Give me your name? A Wilson Towers.
- Q How old are you? A I can't tell you, I am called about 30 or 40 years old when the war came up.
- Q What is your post office? A Centralia.
- Q In what district do you live? A Cooweescoowee I think.
- Q Do you want to apply for enrollment as a Cherokee Freedman?
- A Yes, sir.
- Q Do you want to enroll anybody besides yourself? A Yes, sir.
- Q Who all is it, have you got a wife? A I have got a wife.
- Q You want to apply for your wife, do you? A Yes, sir.
- Q How many children have you? A I have one boy.
- Q Is he over 21 years of age? A No, sir, about 10 years old, he is an adopted child.
- Q Give me the name of this adopted child? A Si Martin.
- Q How old is this child? A I can't tell you, about ten or 12 years old, from what I can learn.
- Q When was the child given to you? A Been about the time of the last payment.
- Q Give me the name of this child's father? A Joe Martin.
- Q Is he alive? A No, sir.
- Q Was he a Cherokee Freedman? A Yes, sir, they say he was, I don't know.
- Q How long has he been dead? A Been about a year now.
- Q Give me the name of this child's mother? A I can't tell you the name of her mother, I guess some of my witnesses know.
- Q You don't know the name of his mother? A No, sir, she died up there on the creek about two or three years ago I think.
- Q Now was Joe Martin any kin to you, this child's father?
- A No, sir.
- Q This child is no kin at all? A No, sir.
- Q How old was Joe Martin when he died? A I can't tell you.
- Q He was an old man was he? A No, sir, this boys daddy was a young man, and then his grandfather he died.
- Q I am talking about this boys father? A He is dead.
- Q How old was he when he died, a young man was he? A He was about 30 or 40 I guess.
- Q Did Joe Martin have any brothers? A Yes, sir, got some brothers, I think; I am not certain.
- Q Now give me the names of any brothers of this child's father, Joe? A I guess I can get my witnesses, I don't know; he has got some sisters too here somewhere.
- Q Do you know any of their names? A No, sir, I don't know their names.
- Q Who is a witness here who knows anything about this Joe Martin, the father of this child? A Sam Webber might know.
- Exhibit The 1880 authenticated roll of Cherokee Freedmen examined and the parents of Si Martin not clearly identified thereon.
- The 1896 census roll of Cherokee Freedmen examined and Si Martin not identified thereon.
- The Kears-Clifton roll examined and the name of the applicant

Si Martin - 2.

identified thereon, page 142, No. 3526, Cooweescoowee district, as Si Martin;

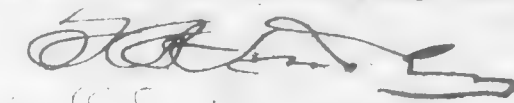
Commissioner: The applicant applies for the enrollment of an adopted child, Si Martin. This child is identified on the Kerns-Clifton roll. It is an orphan, said to be ten or twelve years of age, and is not identified on the roll of 1896. No information is obtainable at this time in regard to its mother, nor any definite information in regard to the child's father. At present, therefore, this child will be listed for enrollment as a Cherokee Freedman on a doubtful card to await further information, and the final decision of the Commission in regard to the child will be made known to the applicant at his post office address.

\*\*\*\*\*

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 1st of June 1901.



Commissioner.

File with Cherokee Freedman, D-487, Cy Martin.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 1, 1901.

In the matter of the application of Wilson Towers for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:  
Mellotte & Smith, attorneys for the applicant;  
W. W. Hastings, of counsel for Cherokee Nation.

SIMON McKENZIE, being duly sworn by Commissioner Breckinridge, testified as follows:

Commissioner: Give us your name, please? A Simon McKenzie.

Q What is your age? A 38.

Q What is your postoffice? A Pryor Creek.

Mr. Hastings: Mr. McKenzie, how long have you lived at Pryor Creek?  
A I have lived at Pryor Creek, I guess about 12 or 13 months.

Q Are you a Cherokee citizen by blood? A Yes, sir.

Q You have been enrolled by the Commission? A I have never been enrolled by the Commission, but I was born a Cherokee by blood.

Q Do you know a colored man by the name of Wilson Towers? A Well, yes I used to know him when I lived in Fort Scott, I lived in Fort Scott in '86 and '87, at the time when I lived in Fort Scott I knew Wilson Towers in the year '86 and '87; I left there early in '88,

Q Was this in Fort Scott, Kansas? A Fort Scott, Kansas, Bourbon County.

Q Well now when did you move to Fort Scott, Kansas? A I came when I was mustered out from the army from Fort Leavenworth, when I came back I stopped there at Fort Scott, and I just remained there.

Q Well now how long did you stay there until you got acquainted with Wilson Towers? A Well, after I got acquainted, he was driving a public truck, that is how I came to be acquainted with Wilson Towers, he was hauling rock and one thing and another around in town where I worked.

Q About how long had you been there before you met him? A I expect I had been there along about, well I guess about, well I think two or three years, because I worked away from town when I came to town first, before I moved away from town.

Q Well now how long after you were mustered out of the army after the Civil War, was it you went down to Fort Scott? A It wasn't but a short time, we were mustered out, and when I left Fort Leavenworth I came back to Fort Scott in August, '83.

Q Now how long did you know Wilson Towers in Fort Scott, Kansas?

A I knew Wilson Towers the whole time I lived there.

Q During what years did you live there? A I came there in '83, '86, and I left there early in the spring of '87; no, '88, I moved away from there early in '88, in the spring.

Q Where was Wilson Towers when you left there? A He was right in Fort Scott, he lived right down on a lot by the old Fort Scott mill.

Q Did you know him all the time that you lived there in Fort Scott?

A Yes, because I was working there on the public work all the time and he was hauling wood and water and sand.

Q Work with him? A No, sir, I was working for Billy Shannahan there.

Q About what age man was he when you first knew him there in '85?

A I would judge about a middle aged man.

Q You know whether he was married or not? A Well, he had a woman



there, kind of a Cherokee looking woman, I don't know whether he was married or not, I can't say.

Q Have you ever seen this Wilson Towers down in the Cherokee Nation?

A Never have seen Wils Towers.

Q You don't know where he lives now? A I don't know where he lives now; you see when I left it was early in '68, in the spring, and I went back in '70 and when I went back he wasn't there.

Q He was gone? A He was gone.

Q Did you know him there from '65 to '68? A Yes, sir, because me and him many a time got drunk together; of course when a man takes a drink together they are pretty well acquainted.

Q Do you know, from any conversation with him, what state he had come from? A I never did.

Mr. Smith: Mr. McKenzie, you were mustered out in what month?

A August.

Q Of '65? A In '65.

Q At what place? A Fort Leavenworth.

Q Then how long did you stay in Fort Leavenworth before you went to Fort Scott? A I stayed after I was mustered out, I guess about a day I reckon and we came to Fort Scott.

Q In what month did you leave Fort Scott? A In August.

Q August of '65; how long had you been there before you first met Wilson Towers? A I hadn't been there very long.

Q Approximate the time as nearly as you can? A I can't say exactly the time because I had been there for some time, I was working away from town first, and when I came back to town to work.

Q Did you know him at all in that year? A Yes, sir, in '65, in the fall, because I was working in the town in the fall and that is where he was hauling rock.

Q Were you married? A No, not when I came to Fort Scott.

Q Was he married? A I don't know whether he was married or not, he had a woman on his place.

Q Where did you first see him? A I saw him right there next to the old Fort Scott mill.

Q What kind of work was he doing? A He was driving a little mule team and hauling wood and water and rock and whatever he could haul.

Q That was in the fall of '65? A In '65.

Q Where did you live while you were working there? A I was just living out and boarding out when I was in town, I didn't live with anyone, I was just staying there.

Q How long did you stay there? A Stayed there till I got married.

Q That was when? A Along in '66.

Q Did you get married in '66; what time in '66? A I can't tell what time, I never kept no record of it.

Q Was it in the winter or spring or summer or fall of '66 you got married? A Well, the fall I guess.

Q You are not certain about the time you did get married? A No, I never kept no record of it.

Q Where did you marry, in Fort Scott? A In Fort Scott.

Q Then you lived there how long after you were married? A I lived there till early in the spring of '68, in April.

Q You say you used to see a great deal of Wilson Towers? A Yes, sir I used to see him there.

Q That did you say about his getting drunk with you? A I said we used to drink whiskey together and get drunk together.

Q That was before you got married, wasn't it? A Well I didn't say anything about getting married.

Q I am asking you now if when you and Wilson was taking a drink that was before you got married? A Yes, before I was married I reckon.

Q Well, you didn't see much of him after you got married, did you?

A No, because I moved out in the country then, and once in once a week in town, and I saw Wils Towers every time I came in town.

Q You know you met him every time you came in town? A No, sir, he worked in town, I lived in town, he was hauling.

Q Fort Scott is a great big place? A It wasn't very big then.

Q You think you saw him every time you came in town? A Yes, I think so.

Q In that fall? A In '68.

Q Living at the same place every time, was he? A Yes, living in a little shanty right on a hill in Fort Scott.

Q All the time? A Yes, sir, all the time.

Q Until you left there; well how long do you think it was, how long was it from the time you last saw him until you left Fort Scott yourself? A Well, that is about the time, in the year '68, in the early spring.

Q How long had it been since you left there-- since you have seen Wils Towers? A I don't know, I never kept no record of it, I never have seen him from that day until this.

Q You can't state how long it had been since you had seen Wilson Towers when you left Fort Scott? A No, I can't state it since I left Fort Scott, no I never have seen him since I left Fort Scott.

Q What I asked you, when you did leave Fort Scott, how long had it been since you had seen Wils Towers? A Oh; it wasn't very long.

Q Can you state how long? A Not more than a few days, I saw him a few days before I left Fort Scott.

Q How long did you stay in Fort Scott from the time you came there until you left? A I came there in '65 and left there in '68.

Q Where did you go when you left there? A Came to the Cherokee Nation.

Q What part of the Nation? A Right there in Cooweescoowee district.

Q You remember what year it was when you came there? A In '68.

Q Well now, Mr. McKenzie, can you state of your own knowledge where Wilson Towers was during all of the fall of 1866? A I think I can, he was right there in Fort Scott.

Q You think so? A I don't think so, I know so.

Q Well why did you say you thought so? A Well, if you want me to say I thought so, I can say it.

Q Well, you saw a good deal of him during the fall of '65? A Off and on all the time I was there, when I came to town, just as I say a while ago; of course I didn't stay in town all the time.

Q Where did you say you married, Fort Scott? A Married in Fort Scott.

Q Were you ever away from Fort Scott from '65 to '68? A Didn't I say while ago I was out in the country; I came in town every week.

Q I mean away from that neighborhood? A No, sir, till I left there and went to the Cherokee Nation.

Q How far was the place you were living on from Fort Scott, during that time? A About two miles and a half, or three miles, I was just between the Marmataw and Fort Scott; if you need any other witnesses I can go there and get them and bring them down to you.

Q You can't state of your own knowledge that Wilson Towers was in Fort Scott during all of the year of 1866, can you? A Well, as I said, I know he was in there every time I came to town during '66.

Q You saw him there from time to time during '66? A Yes, he or his son one, I never heard he was gone.

Q Him or his son? A Yes, I guess he was his son, he had a boy there, called him his son.

Commissioner: This will be filed as supplemental testimony in Cherokee Freedmen cases D-436, and also of the testimony will also be filed in Cherokee Freedmen doubtful cases D-437, D-438, and D-439.

- 4 - Wilson Peters

Wm. O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm. O. Jones

Subscribed and sworn to before me this 11th of October, 1901.



Commissioner.

DEALING IN EXOTIC CO.

File with Cherokee Freedmen D-467, Cy Martin.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I.T., October 17, 1901.

In the matter of the application of Wilson Towers et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicants:

Appearances:

Mellette & Smith, attorneys for the applicants;  
L. E. Bell, of counsel for Cherokee Nation.

HARRY STILL, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Harry Still.

Q Where do you live? A Lightning Creek.

Commissioner: Where is Lightning Creek? A Hayden.

Q In New York or Georgia? A Out west of here.

Q That Nation? A Cherokee Nation.

Mr. Mellette: Are you a freed an citizen of the Cherokee Nation?

A Yes, sir.

Q Do you know the applicant, Wilson Towers? A Yes, sir, I know him.

Q How long have you known him? A I have knowed wils since '62.

Q Where did you first get acquainted with him? A Fort Scott.

Q Fort Scott, what? A Kansas.

Q Do you know when he returned to the Cherokee Nation after the war? A Yes, sir.

Q When did he come back? A I don't know the exact date, but in the winter of '66 when I was on Big Creek wils Towers was there, I didn't come with him but when I went to Big Creek in the winter of '66 wils Towers was living right on the place he lives now.

Q Big Creek, Cherokee Nation? A Yes, sir.

Q Where has he lived since that time? A Right there.

Q On the same place? A Yes, sir, living there now.

Q What was he living in? A Living in a regular hut, he had built a small log house like people there built when they would come in.

Q He has lived at that place ever since? A Yes, sir.

Q And he is living there now? A Yes, sir.

Mr. Bell: You say you came from home up there? A Yes, sir.

Q Where is that? A On Lightning Creek.

Q How far from Lightning Creek up to Big Creek, is that it? A Yes, sir, up to Big Creek.

Q And you say he has been living right on that place ever since?

A Right there ever since.

Q How do you know? A I know he has, I never have missed six months at a time from seeing wils from '66 till '73 continuously, I was always, I was as familiar with the people on Big Creek as I was those at home, they were my neighbors, and wils Towers was there in the winter of '66 and has been ever since, this was up to that date I was as familiar with wils as I was pretty near any man in the country.

Q He had a little house there? A Yes, sir, built him a little log house there.

Q Tell me right where on Big Creek that was? A Well sir, he lives right at the head of one little prong, not the main prong but the prong that Tuck Sanders lives on, Tuck lives in the fork of it and wils lives porter at the head of one of the prongs, well not exactly, it is hardly a branch, but wils was pretty near at the head of one prong of Big Creek.

Q Now how far was that from Tuck Sanders? A Well sir, it was about a mile I guess, a short mile.



- 2 -

Q How far is that from where Jim Martin now lives? A It must be four or five miles from where Jim lives, above there.

Q You were living here at Lightning Creek all the time too were you? A Yes, sir, a good deal of the time, sometime of the time I would be down on Grand River a few days, but my home was at Lightning Creek all the time, yes, sir.

Q You never was away from there any? A Well no great length of time.

Q Well about how long was the longest you were ever away? A Well sir I never was away from there at any time over two weeks from '88 till '73, two or three weeks was the longest I ever was away from there to stay away.

Q Well from '73 up to now what was the longest time you were away from there? A I guess I was away from there as high as a year at a time.

Q Weren't you away from there as much as five years at one time? A No, sir.

Q Nor four years? A No, sir.

Q Nor three? A No, sir; you know how long I was away.

Commissioner: This testimony will be made part of the record in the case at bar and also part of the record in Freedman D-467, D-483, and D-955.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 8th of November, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., JULY 29, 1907.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Cy Martin as a Cherokee Freedmen.

It appears that Annie Towers, wife of Wilson Towers, deceased, has been notified to appear to introduce further testimony in behalf of Cy Martin, but has made no appearance, and this testimony is now introduced at the instance of the Commission for what light it may throw upon the case.

APPEARANCES: The applicant appears neither in person nor by attorney.  
Cherokee Nation by its attorney James S. Davenport.

George West Vann being first duly sworn testifies as follows:

By the Commission:

Q What is your name? A George West Vann.  
Q How old are you? A 63.  
Q What is your postoffice address? A Lenapah.  
Q You are a Cherokee freedman? A Yes sir.  
Q On the 1880 roll? A Yes sir.  
Q Did you know one Wilson Towers? A Yes sir.  
Q Is he living now? A No sir, he is dead.  
Q Do you know a child in his family by the name of Cy Martin?  
A Yes sir.  
Q How old is that child now? A About 12 years old, I believe.  
Q Is it still living? A Yes sir.  
Q Do you know anything about who was the father and who was the mother of that child, of your own knowledge? A I knew his father.  
Q What was his name? A Joseph Martin.  
Q Was he a Cherokee freedman? A Yes sir.  
Q When did he die? A He died about three years ago.  
Q Who did he belong to before the war? A His mother belonged to old Mrs. McNair. His father belonged to Martin.  
Q How old was Joe Martin when he died? A He must have been 38.  
Q Was he a slave himself? A No sir.  
Q Was he born during the war or after? A During the war.  
Q Where was he born? A He was born in Kansas, I think.  
Q What was his father's name? A His father was name Tobe Martin.  
Q What was his mother's name? A Ellen Vann; Uncle Colbert's daughter.  
Q Are either of these people living now? A No sir, all dead.  
Q How long since they died? A I don't know none but Joe.  
Q Did they die before the Dawes Commission commenced making this roll of Cherokee freedmen? A No sir, Tobe didn't.  
Q He died after the Commission commenced making this roll? A Yes sir, Tobe did, he died here three years ago in July.  
Q Has Tobe Martin applied to this Commission to be enrolled as a Cherokee freedman? A I think so.  
Q And since that time he has died? A Yes sir.  
Q Who would be included in his application, what members of his family? A I don't think the old man Tobe had any children left but Joe; he had a daughter but I think she died.



- Q Was either Tobe Martin, his wife Ellen, or their son Joe, enrolled upon any of the Cherokee tribal rolls, to your knowledge?  
A I think they were on the Wallace roll and Clifton and Kern roll.  
Q In what district would they appear? A Cooweescoowee.  
Q What relation was Joe Martin's mother to you? A First cousin, brother and sister's children.  
Q You think they would not be on the 1880 roll? A No sir, they are not on the 1880 roll.  
Q Could they be on the 1896 census roll? A No sir, they are not on that roll, because I was there when they were making that roll.

Wallace roll of Cherokee freedmen examined and neither the name of Tobe Martin, his wife Ellen, nor their child Joe, is identified thereon.

It appears from an examination of the Kern-Clifton pay roll of 1897 that Cy Martin is identified on that roll in the family of Wilson Towers and Annie Towers, as their grandchild. There also appears on said roll, in Cooweescoowee district, enrolled along on the same page with the persons above named, the name of Tobe Martin, age 40 years, opposite No. 3530. The name of Ellen Martin is not identified on this roll.

Q About how long do you think Ellen, the grandmother of Cy Martin, has been dead? A They have been dead a long time before this roll was made.

Q Before the Kern-Clifton roll was made? A The Dawes Commission.

Q Did Ellen die before the Kern-Clifton roll was made? A I am satisfied she did.

I, Louise Smith, being first duly sworn, state as stenographer to the Commission to the Five Civilized Tribes that the above and foregoing is a true and correct transcript of the stenographic notes as dictated by stenographer, R. M. Vance.

*Louise Smith*

Subscribed and sworn to before me this September 6, 1904.

*J. B. Campbell*

Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Wash., D. C., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment  
as a Cherokee Freedman:

Applicant appears by Mellette B. Smith; Cherokee Nation by  
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified  
copy of the decree of the Court of Claims in the case of  
Hesse Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,  
No. 17209 filed in the Mariah Hayden case F. D. 496, a part of the  
record in this case and the cases hereinafter mentioned by refer-  
ence to the said case of the said Mariah Hayden, and if it be deemed  
necessary that a copy of the said decree be filed in this case and  
in the following cases, to-wit:

By Martin, B. 467;

By W. W. Hastings:

Does not own the Cherokee Nation and objects to the intro-  
duction of the decree, because, First: It does not tend to show  
that the applicant was a slave of the Cherokee Nation at the  
beginning of the war; nor that he returned within the time specified  
in the treaty of 1856, or that he had been a continuous resident  
of the Cherokee Nation since that time, or that he is a descendant  
of such a person. Second: Because the same is incompetent, irrele-  
vant and immaterial, and does not tend to prove an issue in this  
case. Third: Because the Commission will take judicial knowledge  
of all laws, treaties and decrees necessary for the determination  
of the right of any person who makes application for citizenship.  
Fourth: The Cherokee Nation objects to the filing of a certified  
copy of this decree in the case of an applicant unless the same  
is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be en-  
tertained and the decree of the Court of Claims filed in the case  
of Mariah Hayden will be made a part of the record by reference in  
all the cases above named with the exception of those which come  
within the provisions of the temporary injunction recently granted  
by Judge Gill of the United States Court, of the Northern District,  
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named  
cases including the Mariah Hayden case that counsel for the appli-  
cant be allowed within thirty days to file any or the proof of any  
or all of the record other than the decree already referred to

in the case of House Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee Freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed)

E. G. Reuter,  
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 20, 1902.

E. C. Bagwell  
Notary Public.

OCT 15 1904

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications for the enrollment of Cy Martin et al., as Cherokee Freedmen, consolidating the applications of

Cy Martin,  
James McKinney,  
Mina Martin,

Cherokee Freedmen B 487,  
Cherokee Freedmen B 488,  
Cherokee Freedmen B 481.

O P I N I O N

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Wilson Dowers for Cy (St. J.) Martin, by Lucinda McKinney for James McKinney, and by Catherine Ward for Mina Martin. The record further shows that on July 2, 1904, this Commission rendered its decision herein, denying, among others, the right of the applicants, Cy Martin and James McKinney, to enrollment as Cherokee Freedmen, and that said decision was duly affirmed by the Department except as to the two last above named applicants. Thereafter, on April 26, 1904, (Departmental letter I. T. D. 1204-04), said case was remanded for further investigation as to the rights of Cy Martin and James McKinney to enrollment as Cherokee Freedmen, and supplemental proceedings in the matter of said applicants were had at Muskogee, Indian Territory, June 16, and July 29, 1904. The decision in the case of Daniel Whitacre, Cherokee Freedmen B 484, is filed herewith and made a part of the record in this case.

The evidence in this case shows that the applicants, Cy Martin and Mina Martin, were born since 1880, and are children of Joe Martin and Laura Martin; that the applicant, James McKinney, was born since 1880, and is the illegitimate child of Lucinda McKinney and James Whitacre, or Cline; and that none of the applicants herein possessed any rights to enrollment through their said fathers.

After ample opportunity having been afforded, it is not established that said applicants herein possess any rights to enrollment as Cherokee Freedmen. Neither the said Joe Martin nor James Whitacre, or Cline, can be identified as the Cherokee authenticated Tribal roll of 1880.



It is, therefore, the opinion of this Commission that, following the rulings of the Department in the cases of Eliza Bryant et al., (I.T.D. 3542-04), Dr. Williams (I.T.D. 4230-04), William Foster (I.T.D. 1442-04), Minnie Duncan et al., (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2596-04) and Martha Albert et al., (I.T.D. 4752-04), the applications for the enrollment of Oy Martin, James McKinney and Miss Martin, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 25, 1906 (34 Stat., 496), and it is so ordered.

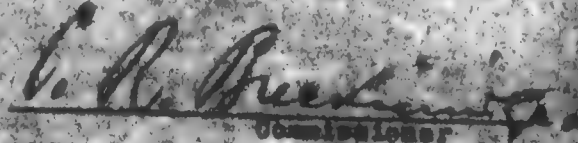
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman



Commissioner



Commissioner

Dated at Muskogee, Indian Territory,

this MAY 13 1906

A. J. M.  
160

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications for the enrollment of Cy Martin et al., as Cherokee Freedmen, consolidating the applications of

Cy Martin,  
James McKinney,  
Elna Martin,

Cherokee Freedmen D 467,  
Cherokee Freedmen D 463,  
Cherokee Freedmen D 461.

- 1 -

D E C I S I O N

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Wilson Towars for Cy (St.) Martin; by Eusinda McKinney for James McKinney; and by Catherine Ward for Elna Martin. The record further shows that on July 1, 1903, this Commission rendered its decision herein, denying, among others, the right of the applicants, Cy Martin and James McKinney, to enrollment as Cherokee freedmen, and that said decision was duly affirmed by the Department, except as to the two last above named applicants. Thereafter, on April 25, 1904, (Departmental letter I.T.D. 2504-04), said case was remanded for further investigation as to the rights of Cy Martin and James McKinney to enrollment as Cherokee freedmen, and supplemental proceedings in the matter of said applications were had at Muskogee, Indian Territory, June 25, and July 25, 1904. The decision in the case of Daniel Whitmire, Cherokee Freedmen D 436, is filed herewith and made a part of the record in this case.

The evidence in this case shows that the applicants, Cy Martin and Elna Martin, were born since 1880, and are children of Joe Martin and Laura Martin; that the applicant, James McKinney was born since 1880, and is the illegitimate child of Eusinda McKinney and James Whitmire, of Oline; and that none of the applicants herein possess any rights to enrollment through their said mothers.

After ample opportunity having been afforded, it is not established that said applicants herein possess any rights to enrollment as Cherokee Freedmen. Neither the said Joe Martin nor James Whitmire, of Oline, can be identified on the Cherokee authenticated tribal roll of 1880.



It is, therefore, the opinion of this Commission that, following the rulings of the Department in the cases of Eliza Bryant et al., (I.T.D. 8443-04), De Williams (I.T.D. 4230-04), William Foster (I.T.D. 1466-04), Minnie Duncan et al., (I.T.D. 1870-04), Samantha Chambers (I.T.D. 8296-04) and Martha Albert et al., (I.T.D. 4752-04), the applications for the enrollment of Cy Martin, James McKinney and Jennie Martin, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 20, 1896 (30 Stat., 492), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

WITNESSED my hand and the seal of the Commission at Washington, D.C., this 13th day of May, 1904.

Chairman

WITNESSED my hand and the seal of the Commission at Washington, D.C., this 13th day of May, 1904.

Commissioner

WITNESSED my hand and the seal of the Commission at Washington, D.C., this 13th day of May, 1904.

Commissioner

Dated at Muskogee, Indian Territory,  
this 13th day of MAY 1904

**DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

APR 21

In the matter of the application of Wilson Towers, et al.  
for enrollment as Cherokee Freedmen, consolidating the applications  
of

Wilson Towers, et al.,	Cherokee Freedmen	D 444
Gy Martin,	"	D 447
Lucinda McKinney, et al.,	"	D 443

**DECISION.**

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Wilson Towers for himself and his wife, Annie Towers; by Wilson Towers for Gy Martin; and by Lucinda McKinney for herself and her minor child, James McKinney.

The evidence shows that Wilson Towers and his wife, Annie Towers, were slaves in the Cherokee Nation at the commencement of the rebellion, belonging to one, Ellis Towers; that they left said Nation during the rebellion and did not return thereto until 1863.

The said Gy Martin was about eleven years old at the date of this application. It is not shown by the evidence that either of his parents were slaves of Cherokee citizens, or free colored persons residing in the Cherokee Nation at the commencement of the rebellion, nor does it appear that their names, or the names of any of the applicants herein are found on the 1860 authenticated Cherokee roll.

The evidence further shows that Lucinda McKinney was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of said Nation during the rebellion and

returned thereto with the said Wilson Tavern in 1868. Her minor child, James, was born since 1868 and has no rights as a Cherokee Freedman, except such as he may have acquired through his mother.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Wilson Tavern, Annie Tavern, Cy Martin, Lucinda McKinney and James McKinney as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 22, 1906 (34 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tama Birby

Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

(SIGNED)

W. E. Stanley

Commissioner.

Dated at Muskogee, Indian Territory,

this JUL 1 - 1903

21 29.40

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
JUN 8 1901

*[Handwritten signature]*

MEMORANDUM  
HENRY L. DAVIS  
JAM. DUNDY  
THOMAS B. REEDER  
C. K. BRIDGEMAN

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chelsea, Indian Territory, June 8th, 1901.

Received of the Commission to the Five Civilized Tribes one  
copy of the original testimony in the matter of the application  
of Cy Martin for enrollment as a Freedman of the Cherokee Nation.

Am. Wallace

Attorney for Applicant.

Cherokee F. #D467.

19  
No. D. <sup>F</sup>467

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-

in notice on .....  
by delivering a true copy thereof on the  
..... day of ..... A. D. 1901

Given under my hand this .....  
day of ..... A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the

day of <sup>SEP 18 1901</sup>....., 1901.  
*Melville Smith*  
Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } s. s.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to.....

on the ..... day of ..... A. D. 1901

Subscribed and sworn to before me  
this ..... day of ..... A. D. 1901.

DEPARTMENT OF ~~THE~~ <sup>INDIAN</sup> ~~AFAIRS~~ <sup>RESERVES</sup>.  
~~COMMISSION TO THE FIVE CIVILIZED TRIBES.~~

FILED  
SEP 20 1901

*[Signature]*  
ACTING CHAIRMAN



## NOTICE!

IN THE MATTER OF the application of Cy Martin  
for enrollment as a Cherokee citizen:

Case No. D 467

To Cy Martin or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Ada, Indian  
Indian Territory, on Oct. 1st at 8 o'clock A. M. • or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this EP 16 191

L B Bell  
W. W. Hastings

Attorneys for the Cherokee Nation.

COPY.

Charleston, F.D-455

Muskogee, Indian Territory, July 11, 1905.

Lucinda McKinney,

Centralia, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1905, rejecting, among others, your application for the enrollment of yourself and your minor child, James McKinney, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Needles.

Commissioner in Charge

Enc. D-77

Registry

COPY.

Cherokee F.D-466-  
7-25

Muskogee, Indian Territory, July 11, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of Wilson Towers et al., rejecting the applications for the enrollment of Wilson and Annie Towers, Cy Martin and Lucinda and James McKinney, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles  
Commissioner in Charge

Enc. D-60

COPY

Charleston F.D-4004  
7-403

Muskogee, Indian Territory, July 11, 1905.

Edgar Smith,

Attorney for Wilson Towers et al.,  
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1905, in the consolidated case of Wilson Towers et al., rejecting the applications for the enrollment of Wilson and Annie Towers, Cy Martin and Lucinda and James McKinney, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

*I. B. Neaslee*

Commissioner in Charge

Enc. 10-75

Register

COPY!

Charles F. Smith  
1-222

Muskogee, Indian Territory, July 11, 1903.

The Honorable

the Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Wilson Towers et al., together with a copy of the Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Wilson and Annie Towers, Cy Martin and Lucinda and James McKinney, as Cherokee freedmen.

Respectfully,

Assistant in Charge

Through the  
Commissioner of Indian Affairs

Enc. 2-61



COPY

Land 44282-1904.

Department of the Interior,  
Office of Indian Affairs,  
Washington, March 15, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated July 11, 1903, transmitting the record relative to the application of Wilson Towers, et al., for enrollment as Cherokee freedmen.

Wilson Towers applied for the enrollment of himself and his wife, Anna Towers, and also for the enrollment of Cy Martin. Lucinda McKinney applied for the enrollment of herself and her child, James McKinney.

July 1, 1903, the Commission decided that these applicants were not under existing law entitled to enrollment as Cherokee freedmen. The evidence shows that Wilson Towers and his wife, Anna Towers, were the slaves of Ellis Towers a Cherokee citizen, at the commencement of the rebellion. From the testimony it appears that Wilson Towers left the Cherokee Nation about the close of the war, and that he returned during the year 1866. Harry Still, however, testified that in 1868 he knew Wilson Towers, who at that time lived at Fort Scott, Kansas, but that said Towers returned to the Cherokee Nation in the winter of 1868. The principal applicant testified that he returned in 1866 to the place where he now lives, and that he has since owned and had possession of the farm. Ben Weber testi-



fied that the principal applicant returned in 1866, as did also Lewis Wright. Walter A. West did not remember having seen Wilson Towers in the Cherokee Nation until in September 1867. Simon McKennie testified that he lived at Fort Scott in 1866-67; that he was acquainted with Wilson Towers, who resided there during that time; and that the affiant left Fort Scott, Kansas, early in April, 1868.

Lucinda McKinney is the daughter of Rose Towers. She does not know positively her father's name, but understands that Dave Kay was her father. This applicant was born in the Cherokee Nation. During the war she went to Kansas. She testified that James Whitmire was the father of her minor child, James McKinney. She does not know positively whether her owner was named Towers or McLaughlin. She is a niece of Wilson Towers. Wilson Towers says that Rose Towers and her children were willed when their mistress died to Ann McLaughlin, and that they returned to the Cherokee Nation in 1864 or 1865.

The Commission states in its decision that the names of none of the applicants appear on the 1860 roll, but in the record it is stated that the 1860 roll (authenticated) of Cherokee freedmen was examined, and that "the parents of Cy Martin not clearly identified themselves," indicating that possibly the names of the parents of Cy Martin appear on that roll.

In view of this fact and considering that the record does not absolutely show whether the principal applicants returned to the Cherokee Nation within the time limit fixed by the treaty of 1866,

it is respectfully recommended that the record be returned to the Commission with direction to advise the Department whether the names of the parents of Cy Martin are found on the 1880 roll, and with further instructions to determine if possible whether the principal applicants returned to the Cherokee Nation within the time limit fixed by the treaty referred to.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

G.A.W.-L.C.

D.C.13871-1904.

JP YNE LRE.

DEPARTMENT OF THE INTERIOR,

ITD 2304-1904.

WASHINGTON.

April 28, 1904.

Commission to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Gentlemen:

March 18, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the application of Wilson Towers (E.D. 466, 467, 493), for the enrollment of himself and his wife, Anna Towers, and for the enrollment of Cy Martin, a minor, and of Lucinda McKinney for the enrollment of herself and child, James McKinney, all as Cherokee freedmen.

On July 1, 1903, you rendered your decision rejecting the application.

The Acting Commissioner recommends, in view of the statement in the record that the 1880 Cherokee roll had been examined, and that "the parents of Cy Martin not clearly identified thereon", and as the record does not "absolutely show" whether the principal applicants returned to the Cherokee Nation within the time limit fixed by the treaty of 1866, that the case be remanded to you with directions to advise the Department whether the name of the parents of Cy Martin are found on the 1880 roll, and with further directions to determine if possible whether the principal applicants returned

to the Cherokee Nation within the time limit fixed by the treaty.

The Department considers further investigation should be had as suggested by the Acting Commissioner, as to Cy Martin, also as to James McKinney, to ascertain if he is entitled to enrollment by virtue of any rights through his father, James Whitmire. As it appears from the testimony, as stated in your decision, that Wilmon Towers, Anna Towers and Lucinda McKinney did not ~~return~~ return from Kansas to the Cherokee Nation until 1848, your decision is affirmed as to these applicants.

A copy of the Acting Commissioner's letter is inclosed, together with the testimony and papers attached thereto.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosures.

Cherokee Freedmen  
D-466.

Muskogee, Indian Territory, May 2, 1904.

Wilson Towers,

Centralia, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting, among others, your application for the enrollment of yourself and wife, Annie Towers, and for the enrollment of Cy Martin, as Cherokee freedmen, was affirmed by the Secretary of the Interior as to yourself and wife, on April 25, 1904.

The Department remands this case as to the applicant Cy Martin, in order that further testimony may be taken tending to show whether or not his father is identified upon the 1880 authenticated Cherokee roll.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., Wednesday, June 15, 1904, and introduce testimony as above indicated.

Respectfully,

Chairman

Cherokee Freedmen  
D-466 D-467 D-483

Muskogee, Indian Territory, May 9, 1904.

Edgar Smith,

Attorney for Wilson Towers et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, in the consolidated case of Wilson Towers et al., rejecting the applications for the enrollment of Wilson and Annie Towers, Lucinda and James McKinney and Cy Martin as Cherokee freedmen, was affirmed by the Secretary of the Interior as to Wilson and Annie Towers and Lucinda McKinney, on April 25, 1904.

The Department remands this case as to Cy Martin and James McKinney, in order that further testimony may be taken tending to show whether or not the father of Cy Martin is identified upon the 1880 authenticated Cherokee roll, and as to whether or not James McKinney derives a right to enrollment as a Cherokee freedman through his father, James Whitmire.

The applicants, Wilson Towers and Lucinda McKinney, have therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., Wednesday, June 15, 1904, and introduce testimony as above indicated.



-2-

For your information there is herewith enclosed a copy of  
the Department's letter referred to.

Respectfully,

Enc. D-6.

Chairman.

Cherokee Freedmen  
D-466 D-467 D-483.

Muskogee, Indian Territory, May 9, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, in the consolidated case of Wilson Towers et al., rejecting the applications for the enrollment of Wilson and Annie Towers, Lucinda and James McKinney and Cy Martin as Cherokee freedmen, was affirmed by the Secretary of the Interior as to Wilson and Annie Towers and Lucinda McKinney, on April 25, 1904.

The Department remands this case as to Cy Martin and James McKinney, in order that further testimony may be taken tending to show whether or not the father of Cy Martin is identified upon the 1850 authenticated Cherokee roll, and as to whether or not James McKinney derives a right to enrollment as a Cherokee freedman through his father, James Whitmire.

The applicants, Wilson Towers and Lucinda McKinney, have therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., Wednesday, June 15, 1904, and introduce testimony as above indicated.

-2-

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information there is herewith enclosed a copy of the Department's letter referred to.

Respectfully,

Enc. D-7.

Chairman.

Cherokee Freedman

D-457.

Muskogee, Indian Territory, June 20, 1904.

Annie Towers,

Centralia, Indian Territory.

Dear Madam:

In the matter of the application of your deceased husband, Wilson Towers, for the enrollment of the orphan child, Cy Martin, as a Cherokee freedman, the Commission's decision in which case rejecting said application was remanded by the Department on April 25, 1904, in order that further testimony might be offered as to the identity on the tribal rolls, and the citizenship of the parents of the said Cy Martin. You are again advised that you will be permitted to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Saturday, July 16, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge

Cherokee Freedmen

D-105 1167

Muskogee, Indian Territory, June 20, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Wilson Towars for the enrollment of the orphan child, Cy Martin, as a Cherokee Freedman, the Commission's decision in which case rejecting the application was remanded by the Department on April 22, in order that further testimony might be taken as to the identity and citizenship of the said Cy Martin's parents, and which case was set for hearing before the Commission at Muskogee on June 15, 1904. You are advised that the applicant, having failed to appear, this case is again set for hearing before the Commission at Muskogee, at nine o'clock A. M. on Saturday, July 16, 1904, and the deceased applicant's wife, Annie Towars has this day been directed to appear before the Commission on that date and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.



COPY

Cherokee Freedmen

D-457

Waskage, Indian Territory, September 8, 1904

Hartings, Bell & Ravenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the record of supplemental proceedings recently had in the matter of the application for the enrollment of Cy Martin as a Cherokee Freedman, Cherokee Freedmen D-457.

Respectfully,

Encl. D-457.

Signed,

Jama Dixby,  
Chairman.



COPY.

Cherokee Freedman  
D-447.

Mustang, Indian Territory, May 18, 1905.

Wilson Towers,

Centraita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 18, 1905, rejecting, among others, the application for the enrollment of Cy Martin as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings had in this case, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Sincerely,

Indls. L-7x

Register

SIGNED, *Tame Fife*  
Commissioner

COPY.

Cherokee Freedman  
B-47-488.

Muskogee, Indian Territory, May 15, 1906.

Walter Smith,

Attorney for Cy Martin et al.

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 15, 1906, respecting, among others, the applications for the enrollment of Cy Martin and James McKinney as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tatne Bixby

Encl. 1-15.

Register.

COPY

General Proclamation  
2-407 at al.

Washington, Indian Territory, May 13, 1906

Well, Manning & Development,

Attention for the American Union

Washington, Indian Territory

Dear Sirs:

There is herewith enclosed a copy of the petition of the  
Commission to the Five Civilized Tribes, dated May 13, 1906, re-  
questing the application for the enrollment of G. Martin at al.,  
as Indian citizen.

The decision, together with the record of proceedings had  
in the case, has this day been transmitted to the Secretary of the  
Interior for his review and decision. The action of the Secretary  
will be made known to you as soon as the Commission is advised of  
the same.

Respectfully,

Yours truly,

Respectfully,  
James H. Harty,  
Commissioner



COPY

Executive Order  
D-147 of 1906

Mustang, Indian Territory, May 11, 1906

The Honorable

The Secretary of the Interior

Sir:

There is herewith transmitted the nature of proceedings had in the matter of the applications for the enrollment of O. Martin et al., as Cherokee freedmen, including the Commission's decision, dated May 15, 1906, rejecting said applications.

The Commission's decision dated July 1, 1906, rejecting the applications for the enrollment of O. Martin and Jesse Holliday was forwarded by the Department on April 22, 1906, for further hearing.

Respectfully,

Wm. T. Bixby

Encl. 1-11.

Through the  
Commissioner of Indian Affairs.

Land  
37650-1905.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

June 6, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Cy(Si) Martin; by James McKinney and by Edna Martin.

May 13, 1905, the Commission decided adversely to the applicants.

The record shows that on July 1, 1903, the Commission decided adversely to Cy Martin and James McKinney and the decision was affirmed by the Department; that on April 25, 1904, (I.T.D. 2304-1904) the case was remanded for further investigation.

The evidence shows that the applicant, Cy Martin, and Edna Martin were born since 1880 and are the children of Joe and Laura Martin; that the applicant, James McKinney was born since 1880 and is the illegitimate child of Lucinda McKinney and James Whitmire, or Cline; and that none of the applicants possess any rights to enrollment through their mothers.

While the applicants have been afforded ample opportunity it is not established that they possess any rights to enroll-

mentas Cherokee Freedmen. Neither Joe Martin nor James Whitmire, or Cline, are identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision of May 13, 1905, adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.

W



D. C. 32080

J.F.Jr.

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

L.T.D. 6898-1905.

July 21, 1906.

L R S

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

May 13, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Cy (Si) Martin, James McKinney, and Edna Martin as Cherokee freedma.

Reporting June 6, 1905, the Indian Office recommended that the Commission's decision, adverse to the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision of the Commission to the Five Civilized Tribes dated May 13, 1905, is hereby affirmed.

Respectfully,

Jesse E. Wilson.

1 inclosure.

Assistant Secretary.

Cherokee Freedman  
D 467

COPY.

Muskogee, Indian Territory, July 31, 1906.

Wilson Towers,  
Centralia, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting, among others, your application for the enrollment of Cy Martin as a Cherokee Freedman, was affirmed by the Secretary of the Interior, July 31, 1906.

Respectfully,

(SIGNED).

*Tamm Dixby.*  
Commissioner.

H.J.C.

Cherokee Freedmen  
D 467-483.

COPY.

Muskogee, Indian Territory, July 31, 1906.

Edgar Smith,

Attorney for Cy Martin, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting, among others, the applications for the enrollment of Cy Martin and James McKinney, as Cherokee freedmen, was affirmed by the Secretary of the Interior July 21, 1906.

For your information there is enclosed herewith a copy of departmental decision referred to.

Respectfully,

SIGNED).

*Tame Bixby.*  
Commissioner.

Encl. H.J.-163.

H.J.C.

Cherokee Freedmen  
D 467 *pl al*

COPY.

Muskogee, Indian Territory, July 31, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the applications for the enrollment of Cy and Edna Martin and James McKinney, as Cherokee freedmen, was affirmed by the Secretary of the Interior July 31, 1906.

For your information there is enclosed herewith a copy of departmental decision referred to.

Respectfully,

(SIGNED).

*Tame Bixby.*  
Commissioner.

Encl. H. J. - 164.  
H. J. C.

73. 79.467

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
JUN 1 1901

  
ACTING CHAIRMAN.

113

## MEMORANDUM OF APPLICATION.

## CHEROKEE FREEDMEN.

Date

Post Office

District

Age

1. Name

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

Year

Page

No.

Dist.

Year

Page

No.

Dist.

Year

Page

No.

Dist.

Year

Page

No.

Dist.

Year

Page

No.

Dist.

Year

Page

No.

Dist.

Year

Page

No.

Dist.

Year

Page

No.

Dist.

Year

Page

No.

Dist.

Year

Page

No.

Dist.

Application made by

Stenographer

1. On K.L. roll as Ly Martin

Mullitt and Smith atty for applicant



Cher. Fr. R. 827

Trans. from Fr. D. 891

Cher. Fr. R. 827

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
HOWATA, I.T., JUNE 27th, 1901.

In the matter of the application of Catherine Ward for the enrollment of her ward, NINA MARTIN, as a Cherokee Freedman; said Ward being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Messrs. Mellette & Smith, for Applicant.

Messrs. Hastings and Davenport, for Cher. Nation.

- Q What is your name? A Catherine Ward.  
Q What is your age? A About 40 something I reckon, I don't know my age.  
Q About your age? A 40 I guess, I don't know my age.  
Q What is your post office? A Viner.  
Q What district do you live in? A Coowasee.  
Q Do you apply for enrollment as a Cherokee Freedman?  
A Yes, sir, I have been enrolled, it is my adopted girl; she is a child named Nina Martin.  
Q How old is Nina Martin? A From the way her father says, she will be six years old in August.  
Q What is her father's name? A Joe Martin.  
Q Is he living? A No, sir, dead.  
Q Is he a citizen? A Said he was.  
Q What is her mother's name? A I don't know; my witnesses knows.  
Q Is her mother living? A She is dead.  
Q What relation are you to Joe Martin? A None at all, he just give it to me.

JOSHUA WARD, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Joshua Ward.  
Q What is your age? A I don't know, about 36 or 7.  
Q What is your post office? A Viner.  
BY MR. MELLETTE:  
Q Did you know Joe Martin? A Yes, sir.  
Q Do you know the child that Catherine Ward has in her charge now, an adopted child? A Yes, sir.  
Q Was that or was not that the child of Joe Martin, or do you know about that? A Well, it is supposed to be.  
Q Well, why do they suppose so? A From the marriage I suppose.  
BY MR. DAVENPORT:  
Q Do you know anything about the marriage? A Yes, sir.  
BY MR. SMITH:  
Q What marriage are you talking about now; was Joe Martin married to somebody? A He was married to Laura Slavins.  
Q Who was the mother of this child Catherine has? A Laura Slavins or Laura Martin.  
Q Did Joe Martin and Laura Slavins live together?  
A Yes, sir.  
Q How old is this child? A Well, when my wife went and got them and brought them up to my house, the little girl I suppose was, supposed to be about three or four years old.  
Q When was that? A That has been about four years ago.  
Q Do you know whether Joe and Laura were living when this child was born? A I don't know, they said they were living on Brush Creek.  
Q Were you present when they were married? A No, sir.  
Q Do you know how long they lived together there on Brush?  
A I don't recollect how long they did live there.  
Q Well, was it a short time or long time? A It must have been about five or six years.  
Q Were they living together as man and wife during that time?

Mina Martin, et al.--2.

A Yes, sir.

Q Well, what was the father of this child, Joe, Martin; did you know him before the war? A No, sir, I didn't.

Q Did you know the mother before the war? A Yes, sir.

Q Was she a slave? A No, sir.

Q She was a state woman was she? A Yes, sir.

Q You don't know what Joe was? A He was living in the Cherokee Nation, supposed to be a citizen in through by his father was a citizen.

Q Who was his father? A Tebe Martin.

Q Well, was Tebe Martin a slave? A Yes, sir, said he was.

Q Well, do you know it? A No, sir.

Q Did you know when he belonged to? A No, sir.

Q Well, did you know anything about when Tebe, or where Tebe was in '66? A No, sir, I don't.

BY MR. RICHMOND:

Q Do you know where Joe was in '66? A I don't know as I know, I met him down here at Vinita.

Q Just all you know about is if you believe Joe Martin was the father of Mina Martin? A Yes, sir.

Q You don't know whether Joe Martin was a citizen or not? A No, sir.

Q Do you know whether his father was a citizen? A I don't know.

Q The mother of the child, Laura Slavins, was a state woman? A Yes, sir.

BY MR. DAVENPORT:

Q What Brush Creek did you have reference to the man living on? A Down west of Cheateau.

JIM ALBERTY, being first duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMITH:

Q State your name? A Jim Alberty.

Q What is your post office? A Cheateau.

Q How old are you? A 70 years old.

Q Do you know Catherine Ward? A Yes, sir.

Q Do you know the child she has there, Mina Martin? A Yes, sir.

Q Do you know whose child Mina Martin is? A I know whose child she was.

Q Did you know the father of Mina Martin? A Yes, sir.

Q Who was her father? A Tebe Martin.

Q Tebe the father of Mina? A Yes, sir, father of Joe Martin.

Q Did you know Joe Martin? A Yes, sir.

Q Where did you know him? A I knowed him down on Grand river at Sam Butler's, worked for him two or three years.

Q Is he living or dead? A Dead.

Q Where did he die? A Died in July, I don't know exactly when.

Q Do you know whether Joe Martin was a slave or a state man; whether he was born after the war or when? What do you know about that? A I don't know exactly when.

Q Did you know who Joe's father was? A Yes, sir.

Q What? A Tebe.

Q Was Tebe a slave? A Yes, sir.

Q Who was his Master? A Jim Vann was his last Master.

Q You don't know what Joe Martin's age was? A No, sir.

Q You don't know whether he was born before the war or afterwards? A No, sir.

Q Do you know where Tebe was in '66? A Yes, sir.

Q Where was Tebe? A He was on Big Creek, on a place of mine.

Q Do you know whether he went out of the Nation or not during the war? A Never saw him, don't know where he went.

BY MR. RICHMOND:

Q Did you know Joe Martin's mother? A Yes, sir.

Q Who was she? A She first was Ellen McHair, married Tebe.

Q Was she a citizen? A Yes, sir.

Mina Martin.--3.

Q Who did she belong to? A Jim Mack McHair.  
Q That was Toke's wife? A Yes, sir.  
Q Where was she in '66? A She was there.  
Q With Toke? A Yes, sir.  
Q That was Joe Martin's mother? A Yes, sir.  
Q Do you know this Mina Martin, this child this woman applied for?  
A Yes, sir, I have saw her, I don't know about its birth.  
Q Do you know its mother? A Yes, sir.  
Q Who was its mother? A She was named Lettie, I don't know what her other name was.  
Q What was she? A As well as I recollect she was a state woman.  
Q Don't know how old Joe was when he died? A No, sir.  
BY MR. DAVENPORT:

Q How many wives did Jim have at that time? A Just one.  
Q Now, what part of Big Creek was he living on that place of yours? A On the Cuddy Brown place.  
Q Near Coody's bluff? A Up in that settlement.  
Q How many children did she have at that time? A I don't recollect how many children he had.  
Q Don't recollect whether he had any or not? A Yes.  
Q Did you see Joe there? A On my place?  
Q Yes. A Toke lived on my place.  
Q There was more than one Toke Martin? A Yes, sir.  
Q Which one of the Tokes now was it? A I am talking about Joe's daddy.  
Q If you didn't see Joe up there how do you know she his daddy was?  
A I just no time any one else, he claimed him as his son.  
Q When was it he claimed him? A He claimed him ever since Joe was born, I can't make a map.  
Q How long has Toke been dead? A I can't tell you that, he died while I was down there at Court, he died there in jail.  
BY COM'R HENNING:

Q Who, Toke or Joe? A Joe.  
BY MR. DAVENPORT:  
Q How long has Toke been dead? A I don't know, he died up here.

CATHERINE VAND, the applicant, recalled:

BY COM'R HENNING:  
Q Is this child on any of the rolls? A I don't know, I think she is on the Slitsen roll.  
Q Is Joe on any of the rolls? A I don't know.  
Q How long has Joe Martin been dead? A He died last August in jail.  
Q Did Joe have any brothers or sisters? A I don't know, I am not acquainted with him.

JIM AKINS, recalled: BY COM'R HENNING:

Q Do you know whether Joe Martin had any brothers or sisters?  
A No, sir, I don't know.  
Q Do you know whether his name is on the 1880 roll or not?  
A No, sir, I don't know that.  
Q You don't know Toke's wife's name, Joe's mother? A Yes, sir, I know her name.  
Q What is her name? A Ellen McHair.  
Q Didn't die until last August? A I can't tell you when it was, he has been, since he was there in jail.  
Q Where? A At Washington.  
Q How long has Toke been called by you now? A I don't know, he has been dead some time.

CATHERINE VAND, the applicant recalled:

Q Has this child got any relations, any Aunts and Uncles that you know of? A She has got one, Uncle.  
Q Reminds what? A I can't tell you, she lives on Parker Creek.

Elna Martin, et al.

She was living there when I was at his house; he said it was his house, I don't know about it.

JOSHUA WARD, recalled:

- Q How long has Tobe Martin been dead? A I don't know.  
Q What relation are you to Joe Martin? A Only relation by marriage.  
Q What relation by marriage? A He married my wife's sister.  
Q Who, Joe Martin did? A Yes, sir.  
Q Your wife's sister, the mother of this child, Elna? A Yes, sir.  
Q That was Laura Slavins? A Yes, sir; Laura Slavins.  
Q BY MR. DAVENPORT:  
Q Tobe has not been dead but a little while? A I guess not, I just learned it since I was down.  
Q Did you know Nathan Martin? A No, sir.  
Q Did you know Tobe? A Yes, sir.  
Q Did Tobe have a boy named Nathan? A No, sir.

COM'R NEEDLES: Catherine Ward applies for the enrollment of a child, Elna Martin. She swears that the father of said child is Joe Martin and the mother was Laura Slavins, a non-citizen. Applicant claims that the said Joe Martin was a citizen. The name of said Joe Martin cannot be found upon any of the rolls of the Cherokee Nation, neither can the name of Elna be identified upon any of the rolls. No satisfactory proof is made as to the citizenship of the said Joe Martin or as to his residence. Said Elna Martin will be listed for enrollment upon a doubtful card as a Cherokee Freedman.

--- ooo000ooo---

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*J. O. Reason*

Subscribed and sworn to before me this 15th day of July, 1902,

*[Signature]*

Commissioner.



A. F. No.  
D. C. L.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications for the enrollment of Cy Martin et al., as Cherokee Freedmen, consolidating the applications of

Cy Martin,  
James McKinney  
Elna Martin,

Cherokee Freedmen D 467,  
Cherokee Freedmen D 468,  
Cherokee Freedmen D 471.

-: D E C I S I O N :-

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Wilson Towars for Cy (Ed) Martin; by Lucinda McKinney for James McKinney; and by Catherine Ford for Elna Martin. The record further shows that on July 1, 1900, this Commission rendered its decision herein, denying, among others, the right of the applicants, Cy Martin and James McKinney, to enrollment as Cherokee Freedmen, and that said decision was duly affirmed by the Department except as to the two last named applicants. Thereafter, on April 25, 1904, (Departmental letter I. T. D. 2504-21), said case was remanded for further investigation as to the rights of Cy Martin and James McKinney to enrollment as Cherokee freedmen, and supplemental proceedings in the matter of said applications were had at Muskogee, Indian Territory, June 25, and July 29, 1904. The decision in the case of Daniel Whitacre, Cherokee Freedmen D 456, is filed herewith and made a part of the record in this case.

The evidence in this case shows that the applicants, Cy Martin and Elna Martin, were born since 1860, and are children of Joe Martin and Laura Martin; that the applicant, James McKinney was born since 1860, and is the illegitimate child of Lucinda McKinney and James Whitacre, or Elmer; and that none of the applicants herein possess any rights to enrollment through their said mothers.

After ample opportunity having been afforded, it is not established that said applicants herein possess any rights to enrollment as Cherokee Freedmen. Neither the said Joe Martin nor James Whitacre, or Elmer, can be identified on the Cherokee authenticated tribal roll of 1880.



It is, therefore, the opinion of this Commission that, following the ruling of the Department in the cases of *Ellis Bryant et al.* (I. T. D. 5612-04), *Dr. Williams* (I. T. D. 4280-04), *William Foster* (I. T. D. 1444-04), *Elmer James et al.* (I. T. D. 1470-04), *Samuel Chambers* (I. T. D. 2294-04) and *Warren Albert et al.* (I. T. D. 4722-04), the applications for the enrollment of *Dr. Martin*, *James McKinney* and *Sam Martin*, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 20, 1906 (34 Stat., 426), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Thos. Eddy  
Chairman.

(Signed) T. E. Peckham  
Commissioner.

(Signed) G. E. Brown  
Commissioner.

Attest at Muskogee, Indian Territory,  
this May 13 1905

( C O P Y )

Cherokee Freedman  
No 891

Muskogee, Indian Territory, January 29, 1904

Catherine Ward,  
Wimer, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of Edna Martin, aged six years, as a Cherokee Freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the date of birth of this child's father, Joe Martin, as to the date of his return to the Cherokee Nation after the close of the war of the rebellion and as to his residence since that time, also, further testimony as to the residence of this child's grandfather, Tobe Martin.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Wednesday March 2, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge

Cherokee Freedmen  
D 891

Muskogee, Indian Territory, January 29, 1904.

W. W. Hastings,  
Attorney for the Cherokee Nation,  
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Catherine Ward for the enrollment of Nina Martin, aged six years, as a Cherokee Freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the date of birth of this child's father, Joe Martin, as to the date of his return to the Cherokee Nation after the close of the war of the rebellion and as to his residence since that time; also, further testimony as to the residence of this child's grandfather, Tebe Martin.

The said Catherine Ward has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday March 2, 1904, and introduce testimony as above requested. The Cherokee Nation will be permitted to appear on that date and introduce testimony in rebuttal of that requested of the applicant.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedman  
D-891.

Winklogee, Indian Territory, May 13, 1905.

Catherine Ward,

Wimer, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of Mina Martin as a Cherokee freedman, together with a copy of the Commission's decision, dated May 13, 1905, rejecting, among others the said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED:

*Tams Dixie*

Commissioner

Incl. 2-9.

Register.



COPY.

Cherokee Freedmen  
Baker et al.

Washburn, Indian Territory, May 13, 1906.

Hell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Washburn, Indian Territory.

Sent by mail.

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1906, rejecting the applications for the enrollment of Cy Martin et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Yours,  
Tamm Birby

Encl. 1-10.

COPY

Cherokee Freedmen  
F-447 et al.

Washoe, Indian Territory, May 13, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Cy Martin et al., as Cherokee Freedmen, including the Commission's decision, dated May 13, 1903, rejecting said applications.

The Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Cy Martin and James McKinney was remanded by the Department on April 25, 1904, for further hearing.

Respectfully,

(SIGNED)

*James Bixby*  
Chairman.

Encl. 5-13.

Through the  
Commissioner of Indian Affairs.



Land  
37680-1908.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

June 6, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Cy(Si) Martin; by James McKinney and by Edna Martin.

May 13, 1905, the Commission decided adversely to the applicants.

The record shows that on July 1, 1903, the Commission decided adversely to Cy Martin and James McKinney and the decision was affirmed by the Department; that on April 25, 1904, (I.T.D. 2304-1904) the case was remanded for further investigation.

The evidence shows that the applicant, Cy Martin, and Edna Martin were born since 1880 and are the children of Joe and Laura Martin; that the applicant, James McKinney was born since 1880 and is the illegitimate child of Lucinda McKinney and James Whitmire, or Cline; and that none of the applicants possess any rights to enrollment through their mothers.

While the applicants have been afforded ample opportunity it is not established that they possess any rights to enroll-

Montas Cherokee Freedmen. Neither Joe Martin nor James Whitmire, or Cline, are identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision of May 13, 1905, adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

V.M.N.

V

D. C. 32080

J.P.Jr.

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

L.T.D. 6898-1908.

July 21, 1906.

L R 8

Commissioner to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Sir:

May 13, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Cy (S1) Martin, James McKinney, and Edna Martin as Cherokee freedmen.

Reporting June 6, 1905, the Indian Office recommended that the Commission's decision, adverse to the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision of the Commission to the Five Civilized Tribes dated May 13, 1905, is hereby affirmed.

Respectfully,

Jesse E. Wilson.

1 inclosure.

Assistant Secretary.

Cherokee Freedmen  
D 891

COPY.

Muskogee, Indian Territory, July 31, 1906.

Catherine Ward,  
Wimer, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting, among others, your application for the enrollment of Edna Martin, as a Cherokee freedman, was affirmed by the Secretary of the Interior July 21, 1906.

For your information there is enclosed herewith a copy of ~~Departmental~~ decision referred to.

Respectfully,

(SIGNED).

*Tame Dixey.*

Commissioner.

Encl. H. J. - 162.  
H. J. C.

Cherokee Freedmen  
D 467

COPY.

Muskogee, Indian Territory, July 31, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the applications for the enrollment of Cy and Edna Martin and James McKinney, as Cherokee freedmen, was affirmed by the Secretary of the Interior July 21, 1906.

For your information there is enclosed herewith a copy of departmental decision referred to.

Respectfully,

(SIGNED).

*Tams Bixby.*  
Commissioner.

Encl. H. J. -164.  
H. J. C.

10

70891

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED  
JUN 27 1901

  
ACTING CHAIRMAN



MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date **JUN 27 1901**  
 Post Office *Marion, Ia.*  
 District *600*

1. Name \_\_\_\_\_ Age \_\_\_\_\_  
 Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:  
 Father \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

2. Name of wife \_\_\_\_\_ Age \_\_\_\_\_  
 Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents:  
 Father *Joe Martin - dead* Citizenship \_\_\_\_\_  
 Mother *Laura* " " Citizenship \_\_\_\_\_

Names of Children:

3. <i>Edna Martin</i>	Year _____	Page _____	No. _____	Dist. _____
4. _____	Year _____	Page _____	No. _____	Dist. _____
5. _____	Year _____	Page _____	No. _____	Dist. _____
6. _____	Year _____	Page _____	No. _____	Dist. _____
7. _____	Year _____	Page _____	No. _____	Dist. _____
8. _____	Year _____	Page _____	No. _____	Dist. _____
9. _____	Year _____	Page _____	No. _____	Dist. _____
10. _____	Year _____	Page _____	No. _____	Dist. _____
11. _____	Year _____	Page _____	No. _____	Dist. _____
12. _____	Year _____	Page _____	No. _____	Dist. _____

Application made by *Catherine Ward* Stenographer *J. C. Ross*

*Proof of birth required*

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. . . .  
Wi . . .  
Ch . . .

**TAMS BIXBY,  
T. B. NEEDLES,  
C. R. BRECKINRIDGE,**  
Commissioners.

Cher. Fr. R. 828

Trans. from (M.M. 59)

Cher. Fr. R. 828

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES  
Muskegee, Ind. Ter. July 6, 1906.

In the matter of the application for the enrollment  
of GREEN CHAMBERS as a Cherokee Freedman.

Applicant appears in person.  
Cherokee Nation by Attorney, W. W. Hastings.

GREEN CHAMBERS being first duly sworn, testified as follows:

- Q. What is your name? A. My name sir, is Green Chambers.  
Q. How old are you? A. I am about sixty.  
Q. What is your postoffice? A. Van Buren.  
Q. Van Buren Arkansas? A. Yes sir.  
Q. Have you a postoffice box? A. No sir.  
Q. You claim to be a Cherokee freedman, do you? A. Yes sir.  
Q. Have you ever before this time, appeared in person to make an application for enrollment? A. Before now?  
A. Yes? A. No sir, because I wasn't never called on.  
Q. Have you ever before this time made any form of application to the Dawes Commission for enrollment? A. Yes sir, I did.  
Q. In what form was the application made? A. Why, I had it done by old man Grant, to explain to them who I was and what I was claiming, and write to them and tell them that I would give in my testimony and all of these things, so that they could put me any further as an innocent man, and Mr. Grant didn't do it.  
Q. Mr. Grant did not do it? A. No sir, he did not.  
Q. Did any one ever write to the Dawes Commission for you before this time? A. Yes sir, Mr. Clegg did and Mr. Harvey, he told me he wrote to the Dawes Commission, and he said the commissioner gentlemen was so busy they couldn't get to my case, but he said when they got to me they would notify him.  
Q. What Harvey was he? A. He was a Justice of the Peace.  
Q. Do you know his full name? A. Harvey, I don't know any other name, a Justice of the Peace in Van Buren  
Q. What did they call him when they spoke to him?  
A. Just called him Mr. Harvey; don't know any other name and I knowed him a long time.  
Q. Has any one else ever written a letter for you? A. I got a lawyer there, a young man, I can't think of his name -- Mr. Lark,  
Q. Can you sign your name? A. No sir, I don't know A from B.  
Q. Are you the only person by the name of Green Chambers living in Van Buren that you know of? A. Yes sir? There's a Hughes, a white man, but he aint named Green, and there aint no Chambers there.  
Q. Have you had any letters, several letters or any letters at all from the Dawes Commission about your case. A. Why, I had two, I guess they came from the Dawes Commission, one before the close, one before that close came, the first one was sent me, and the last one they sent me they said if you can get here tomorrow we can save you and if you don't we are going to close. Old man Grant told me I ought to go up there.

- Q. When was it any one wrote to the Dawes Commission for you?  
A. Well, Mr. Harvey he attended to it for about four or five years; Tom Davis and the Postmaster and all of them will swear to that.
- Q. Did you ever authorize anyone to sign your name to any letters that were written to the Commission? A. No sir, I never have wanted my name, only signed this away, to let them know how I was Green Chambers.
- Q. Did you tell them to sign it for you? A. No sir, I don't think I ever told any of them to sign a letter for me.
- Q. Then if the Commission ever got a letter from any person signed Green Chambers, it wasn't from you? A. No that wasn't from me.
- Q. Well was it written for you? A. Well, these men that I had to write, of course they had to let the Commission know who it was that was trying to get the application; I didn't know how to fix a letter.
- Q. Did you ever get any letters from the Commission? A. I don't know who they came from, old man Grant, he had them.
- Q. Did you ever get any letters yourself? A. No sir, I never, they was always handed to me by these men that was working for me.
- Q. Do you ever go to the postoffice? A. Yes sir, I have gone there over fifty times I reckon, and they tell me there was nothing there, and the young lady there she wouldn't even look in the office, and I told him one day "It's mighty funny there aint not nothing for me," and I said "Mister, looks like theres something wrong, and he said, yes something rotten."
- Q. Who ever handed you letters from the Commission? A. Mr. Grant he handed me letters, and he said, "Here's your letter, and if you go you will be all right, that's the onliest way that will ever do any good, and you aint got but one day to go on; and I was sick.
- Q. Who else besides Mr. Grant ever wrote any letters for you to the Commission. A. Mr. Clegg did, Joe Clegg.
- Q. Did he ever hand you any letter from this Commission? A. Yes sir, he handed me letters.
- Q. When? A. Well, it has been, I don't know when the last one was you all got here at the office; he was the last man that was doing any work. Mr. Grant he said he was the onliest man that could do me any good. I don't know how long it has been.
- Q. The if this office ever got a letter from a person living at Van Buren, Arkansas, named Green Chambers, and signed by Green Chambers, is that you? A. I didn't sign it; if they signed it, understand me they was working to try to get me on the rail; I didn't tell them to go and make any signments; I told them to do what was right.
- Q. The you never authorized anyone to make any application for you or to write a letter and sign your name to it? A. I don't think I did
- Q. Do you know whether you did or not? A. No sir, to be plain with you, I can't recollect whether I did or not.
- Q. Your memory is faulty isn't it? A. No sir, it is not very faulty.
- Q. You can't remember dates can you? A. I can remember dates, that young lawyer, Mr. Lark, he --
- Q. What year is this? A. Why that was before--
- Q. What year is this, this present year? A. Well, it is a new year.
- Q. What year is it, 1910, or what is it? A. Why, I heard some of them say a good while ago that it was 1901, I don't know how long it has been.

- Q. You don't know one year from another do you? A. No sir, I don't know nothing about such things as that.
- Q. Now, are you the Green Chambers living at Van Buren, Arkansas, who has had a great number of people writing to this office, asking about your Cherokee freedman case. A. Yes sir, I am I am the very one; I am the man that done it.
- Q. You don't know whether anyone ever wrote a letter and signed your name or not, do you? A. No sir, I don't.
- Q. You have been working on your claim for several years? A. Yes sir, I have been after it for sixteen years or more.
- Q. And you have had people writing everyone you could think of to try to do you any good? A. Yes sir, I have had old man Grant and--
- Q. If this office got a letter from a person living down at Van Buren, Arkansas about two years ago signed Green Chambers, do you think it was written for you? A. Yes sir, Since I think of it, to put this thing plain, there was a lady down there by the name of Miss Kate Neal, and I got her--a white lady--to write the Commission and ask how is it I can't hear from the letters that Mr. Grant and them was sending to the Commission, and I went to the office and couldn't get no letters, and the young lady that wrote was just trying to find out what was being done for me
- Q. You are the only person living at Van Buren, by the name of Green Chambers, trying to get enrolled as a Cherokee freedman?
- A. Yes sir, I am the onliest one; old Uncle Dick Chambers is dead.

The records of this office show that on September 9, 1904, there was received a letter signed by Green Chambers, Van Buren, Arkansas, dated September 8, 1904, stating that he was a Cherokee freedman and was the slave of Henry Chambers and stating that he was "ready to come to Muskogee at any time and satisfy you by the best of proof that I am entitled to the rights of a Cherokee Freedman. Shall I come." This letter is File No. 32607.-1904.

- Q. What was the name of your father? A. My father's name was Henry.
- Q. Henry what? A. Henry Hurd, he belonged to Hurd.
- Q. Is he dead? A. Yes sir, he is dead.
- Q. Was he a Cherokee freedman? A. Yes sir, I reckon he was; I don't know nothing about him.
- Q. What was the name of your mother? A. Minerva.
- Q. Is she living? A. No sir, she is dead a long time
- Q. Was she a Cherokee freedman? A. No sir.
- Q. Was you a slave yourself? A. I was a slave, belonged to Mr. Chambers.
- Q. What was his full name? A. Henry
- Q. Was he a citizen of the Cherokee Nation? A. Yes sir, certain, his business was always in Fort Gibson there.
- Q. Was he a Cherokee by blood? A. Yes sir, a fullblood Cherokee
- Q. Did he own you at the breaking out of the Civil War?
- A. Yes sir, but they had me hired away from him.
- Q. Did you leave the Cherokee Nation during the war? A. No sir; he had me carried off.
- Q. Where did you go? A. Well, I will just tell you plain now, they carried me around in so many different places I can't answer that question, you know I am ignorant, can't read and write.
- Q. Where were you when the war came up? A. Why, I was in the Nation when the war was going on.
- Q. Whereabouts? A. Well, up about Jacktown.
- Q. In what part of the Cherokee Nation is that? A. Right out this side of old Miss Stoneroad's I reckon you all know where that is.



- Q. In what District? A. I don't know about any Districts; don't know any more about districts than that there box over there.
- Q. Did you ever return to the Cherokee Nation after the war? A. Yes sir, it was my home. Q. When did you return to the Cherokee Nation? A. Why, I stayed round here in the Cherokee Nation after we was declared free; I was in this Fort Gibson with the soldiers and we went down to Little Rock, some of them was mustered out there and some of them was brought back, and I come back to Fort Gibson with Ephraim Jackson, and worked here and there just anywhere where I could get my grub at.
- Q. How long was it after the war when you came back from that trip to Little Rock? A. When I came back, I guess was about between six and seven years.
- Q. Six or seven years after the war? A. Yes sir.
- Q. Where were you when peace was declared? I was in the Nation ~~XXXXXXXXXXXXXXXXXXXX~~
- Q. Where? A. In Jacktown.
- Q. What part of the Nation was Jacktown with reference to Fort Smith and Van Buren? A. I couldn't tell you nothing about that it is away up here about Miss Stoneroad's, Jackton is.
- Q. Was this Jackton you speak of a full blood settlement? A. I reckon they was.
- Q. Any stores there? A. Yes sir, some little businesses standing around, not many.
- Q. That was when the war closed you were at Jacktown? A. Yes sir.
- Q. Were you married then? A. No sir; I have been married I will tell you--
- Q. I will ask you about that later. Did you ever know any of the Chiefs of the Cherokee Nation? A. Why yes, I know Mr. Love, and my master was a chief of the head committee of the Nation; Mr. Chambers was; he was the head committee of Fort Gibson and Love, he ruled over all of them.
- Q. What was his full name-Love's? A. Bo b Love.
- Q. Did you ever live down in the Choctaw Nation? A. Yes sir, been all over the Choctaw Nation, hid out and eat among them people.
- Q. Where have you made your home since the war? A. I have made my home right back down there at Van Buren.
- Q. Ever since the war? A. Yes sir; my native home where I intended to live was in Tahlequah, but I was always down in Van Buren.
- Q. How long have you lived in Van Buren now? A. I reckon, off and on about twenty-five or thirty years, off and on.
- Q. Do you keep house down there? A. Yes sir.
- Q. Have you a family? A. Yes sir, I am the father of ten children
- Q. You have lived and kept house in Van Buren then for the last twenty-five or thirty years? A. Yes sir.
- Q. You vote down there do you? A. Yes sir
- Q. Vote for Governor and the state officers? A. Yes sir, I have voted for them all.
- Q. Have voted down there all the time for the last twenty-five or thirty years? A. Yes sir.
- Q. Have you any children under age? A. I have one boy under age
- Q. How old is he? A. He is aged thirteen years, going on fourteen.
- Q. What is his name? A. Hamilton Hughes.
- Q. Is that his full name? A. Yes sir
- Q. Is he your own child? A. Yes sir, he is my child
- Q. How comes it that his name is Hughes and your name is Chambers? A. Well, now sir, I will put you on to that; well, when I was

writing here to you men here to let you know who I was and where my home was so you could ask anyone about my case, and find my people, and so I give in my name Green Chambers, because you know us colored people, we always went by the name of our masters and mistresses, and I never had no other belief but my masters was Chambers, so I told you all my name was Chambers, and down there I was knowing by the name of Green Hughes.

Q Then the name you go by all the time down at Van Buren is Hughes? A Yes sir, Green Hughes. I can spell my name, but I can't write it. My father's name, when I found out about it I learned was Hughes.

Q Is your wife a state woman? A Yes sir, she is a state woman, I married her in the state.

Q Did you ever own any property in the Cherokee Nation? A No sir, not a foot; never did stay here long enough.

BY W. W. HASTINGS:

Q Where did you marry? A I married in the State.

Q What town or place in the State? A Well, I reckon; Van Buren country, I reckon.

Q Were you married in the town or out in the country?

A Why, I called it in town.

Q You know where you were married don't you? A Well, it was in the country.

Q Were you living on a farm? A Yes sir.

Q Then you and your wife lived on a farm there a while?

A Yes sir, for a while.

A Four or five months, and she got unsatisfied and didn't want to stay any longer, and we moved to town.

Q Then you moved to Van Buren and have lived there ever since?

A Yes sir.

Q About what year were you married? A I don't know any more about what year than nothing.

Q You say you have got ten children? A Yes sir.

Q How old is the oldest one? A I don't know.

Q Are these children all living? A Yes sir, I reckon.

Q Is the oldest one living? A Yes sir.

Q If he is living how old is he? A Well sir, if I can get it right, I have been married about thirty-two or thirty-three years, and he ought to be about twenty-five or twenty-six years old.

Q As near as you can get at it you have been married thirty-two or thirty-three years, you say? A Yes sir.

Q And you married in the country near Van Buren, Arkansas?

A Yes sir.

Q And four or five months after that you moved into town and have lived in Van Buren, Arkansas, ever since? A Yes sir.

Q And all ten of your children were born there? A Yes sir.

Q I believe you said you had been going by the name of Hughes?

A Yes sir.

Q Now, how did you come by that name--from whom did you take that name? A Well, my father, from what my sister told me, he was called Henry Hughes, and of course if he went by the name of Hughes, that would make him a Hughes, and me a Hughes, but you know us colored folks we went by the name of masters and mistresses, and so--

Q How long was it before the war that Henry Chambers hired you out or sold you out? A Well, as near as I can get at it, the business was right at hand I guess, because I heard them talking about it. I know they was all talking and they said "if we don't run the niggers down south we will loose them."

- Q. About how old are you? A. Well, to the best of my judgment it is about this: Just about six months before that was done he sent me to this mill on Grand River with a sack of corn to grind; put me on a horse, and the sack come untied and the corn wasted, and I got down and picked my corn up and had to wait till pretty near sundown to get somebody to put me on the horse and send me on to mill; and you can guess about how old I was.
- Q. Were you as much as six or seven years old? A. Well, I guess I was about six or seven years old.
- Q. About how old are you now? A. I am about sixty.
- Q. And you think you were six or seven years old when you left Henry Chambers? A. I was about that age, as near as I can get at it. But I didn't stay and the next time he started me out they was talking about volunteers.
- Q. Well, where did you go when he started you?
- A. Well, the next time he sent me out with a man by the name of Scroggins.
- Q. Was Scroggins a white man? A. Yes, and he carried me away down there somewheres.
- Q. To Arkansas? A. Yes sir.
- Q. Little Rock? A. Yes sir, below Little Rock, way below there.
- Q. What did you do down there? A. Why, he made me work, and I run away from him.
- Q. How long did you work for him down there? A. I reckon about a year, or not quite that long.
- Q. Was the war going on when you came back? A. No sir, it wasn't going on.
- Q. Well, were you taken up down there? A. No, sir, I never let him get me.
- Q. Where did you come to? A. Down in the Choctaw Nation, and in Jacktown.
- Q. That was before the war? A. That was about the time the war was breaking out--going on.
- Q. Then you were with this white man Scroggins, below Little Rock just about when the war commenced? A. Yes sir.
- Q. And you ran off from him in about a year? A. Yes sir.
- Q. And you came down in the Choctaw Nation? A. Yes sir.
- Q. Was that where you got acquainted with Mr. Love? A. I got acquainted with him in the Cherokee Nation and went to Van Buren and worked for him.
- Q. Was that during the war? A. That was after the war; I worked for Mr. Bob Love, and I was coming back and forwards to the Nation, sometimes him and sometimes his son, Mr. Tom Love.
- Q. Was Tom Love a Choctaw? A. Yes sir, a big man.
- Q. Did you ever draw any money in the Cherokee Nation? A. No sir.
- Q. Did you ever apply for any? A. Yes sir, I sent in my application; got Miss Pearl Lawrie to write a letter for me.
- Q. Where did she live? A. She lives at Eureka Springs. Then she lived in Van Buren.
- Q. How long ago was that? A. Well, you recollect when Boatright was going around paying? I tried to get him to write for me and he said his hands was so full that he just couldn't do it.

Green Chambers --7

- Q. Well, as I understand it you have lived always in Van Buren, since the war- you have never had any settled place in the Nation? A. No, no, sir, I never had any settled place. That was my home.
- Q. But you always lived in Van Buren, Arkansas? A. Well, I did not consider Van Buren my home, because I was run from my home down there, and the Nation is my home.
- Q. But you never lived in the Nation since the war? A. No sir.
- Q. You considered the Nation your home, but you never lived here? A. No sir. I written to my old master and told him to help me out, that my home was in the nation.

On Behalf of Commissioner:

- Q. Do you want to submit your case to this office and let us render a decision as to your right to enrollment? A. Yes sir.
- Q. You have no further proof to offer? A. I have no further proof. I was raised with my native people. I had one woman, old Aunt Perry Lee, but I never took her before any Notary Public.
- Q. If the Cherokee Nation offers any evidence against you to dispute the statements you have made, do you desire to introduce any further testimony? A. No sir, I would as soon pass by as not.
- Q. Do you want to let the case be decided by this office, and this office furnish you a copy of the decision? A. Yes sir.

Mr. Hastings: I have no further testimony.

C A S E C L O S E D .

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly recorded the proceedings had in this case, and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

*Lucy M. Burrum*

Subscribed and sworn to before me this 17th day of July, 1906.

*Chas. E. Webster*  
Notary Public

  
COPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

---

In the matter of the application for the enrollment  
of Green Chambers as a Cherokee Freedman.

-14

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That on September 8, 1904, Green Chambers addressed a communication to the Commission to the Five Civilized Tribes wherein he claimed the right to enrollment as a Cherokee Freedman, and made application to said Commission for enrollment as such.

The records further show that on July 4, 1905, said applicant, Green Chambers, (also known as Green Hughes), appeared before the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, and made personal application for enrollment as a Cherokee Freedman.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Green Chambers, claims to have been, at one time, the slave of a Cherokee citizen, but his testimony fails to show that he was owned by a citizen of the Cherokee Nation, or resided in said Nation, at the commencement of the war of the rebellion. The evidence further shows that said applicant resided in the Chestaw Nation and the State of Arkansas during said war, and that he did not return to and establish a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, et al., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation, and it is further shown that for the past thirty-two or thirty-three years he has continuously resided in the State of Arkansas, during which time he has exercised all the rights of a citizen of said state, and that he has never owned or controlled any property in the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of the Act of Congress approved June 20, 1896 (30 Stat., 496), Green Chambers is not entitled to enrollment as a Cherokee Freedman, and his application for enrollment as such is accordingly denied.

(SIGNED).

*Tamr Pixby.*

Commissioner

Dated at Muskogee, Indian Territory,

this AUG 17 1906



[COPY]

D.C. 32607-1904.

Van Buren, Ark. Sept. 8, 1904.

Honorable Commission to the Five Civilized Tribes,  
Muskogee, Ind. Ter.

Dear Sirs:

I write to tell you that I am a Cherokee freedman and was a slave of Henry Chambers who died at Fort Gibson, Ind. Ter. about 8 or 9 years ago. I filed an application as a freedman thro the late Judge Chas. F. Harvey about a year ago at this place and Judge Harvey having died I do not know what has become of my claims. I am ready to come to Muskogee at any time and satisfy you by the best of proof that I am entitled to the rights of a Cherokee Freedman. Shall I come? Please answer at your earliest opportunity.

Respectfully,

Green Chambers.

Muskogee, Indian Territory, August 9, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the testimony of July 6, 1906 in the matter of the application for the enrollment of Green Chambers as a Cherokee Freedman.

Respectfully,

Commissioner.

Incl.C-9  
LMC

Cherokee Freedmen

COPY.

R. 828

McAlester, Indian Territory, August 17, 1906.

Green Chambers,

Van Buren, Arkansas.

Dear Sir:

There is enclosed herewith a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee Freedmen together with a copy of the decision of the Commissioner to the Five Civilized Tribes, dated August 1, 1906, denying said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. H.J.-14.

H.J.C.

Register.

Tame Dixby.  
Commissioner.

Cherokee Freedmen  
R 828

COPY.

Muskogee, Indian Territory, August 17, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated August 17, 1906, denying the application of Green Chambers for enrollment as a Cherokee Freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. H. J. - 16.  
H. J. C.

SIGNED

*James Bixby.*  
Commissioner.

COPY.

Muskogee, Indian Territory, August 17, 1904

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Green Chambers as a Cherokee freedman, including the decision of the Commissioner to the Five Civilized Tribes, dated August 17, 1904, denying said application.

Respectfully,

~~CHAMBER~~

*Tams Dixby,*  
Commissioner.

Encl. N.J.-17.  
R.X.C.

Through the  
Commissioner of Indian Affairs.

Muskogee, Indian Territory, September 13, 1906

Green Chambers,

Van Buren, Arkansas.

Dear Sir:

This office is in receipt, by reference of the Secretary of the Interior of your letter of August 28, 1906, asking that another hearing be granted in your Cherokee freedman enrollment case.

In reply you are advised that on August 17, the Commissioner to the Five Civilized Tribes rendered a decision rejecting your application for enrollment as a Cherokee freedman, and on August 19, 1906, said decision was forwarded to the Secretary of the Interior for his review and decision. The same is now pending before the Department, and you will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

L M B

Commissioner



Cherokee Freedmen  
R 828

Muskogee, Indian Territory, November 9, 1906

Green Chambers,  
1432 North Twelfth Street,  
Fort Smith, Arkansas.

Dear Sir:

This office is in receipt of your letter of November 3, protesting against one J. S. Howard representing you before this office in your Cherokee freedman enrollment case.

In reply you are advised that your letter has been noted and filed. You are further advised, as you have been heretofore, that your application for enrollment as a Cherokee freedman was denied by this office on August 17, 1906, and said decision, together with the record in the case, forwarded to the Department on the same date, and therefore no blank application is necessary in your case.

You are further advised that there is no office of the Commissioner to the Five Civilized Tribes at Tahlequah, Indian Territory.

Respectfully,

L M B

Commissioner

Cherokee Freedmen  
R 828

Muskogee, Indian Territory, December 1, 1906

Green Chambers

421 North Fourth Street,

Muskogee, Indian Territory.

Dear sir:

In reply to your recent letter in further reference to your Cherokee freedman enrollment case, you are advised that the records of this office show that on August 17, 1906, the Commissioner to the Five Civilized Tribes rendered his decision refusing your application for enrollment as a Cherokee Freedman, and that on August 19, said decision, together with the record in the case, was forwarded to the Secretary of the Interior.

You will be duly advised of any action taken in the case, when this office is informed of the same.

The letter from the department enclosed with your letter is returned herewith.

Respectfully,

Encl. B-43

Commissioner

*Delivered in person*

(Copy)

Refer in reply to the following:

LAND:  
72242-1906

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. January 12, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated August 17, 1906, transmitting the record relative to the application of Green Chambers for enrollment as a Cherokee freedman.

On July 6, 1906, Green Chambers (or Hughes), testified before the Commissioner to the Five Civilized Tribes relative to an application alleged to have been made by him in writing for enrollment as a Cherokee freedman on September 2, 1904.

On August 17, 1906, the Commissioner held that the application was sufficient but that the applicant was not entitled to such enrollment.

The evidence shows that the applicant was a slave who left the Cherokee Nation during the war of the rebellion and did not return within the time specified in Section 3 of the Act of April 24, 1906 (34 Stat. L., 127).

The decision of the Commissioner adverse to the applicant is therefore recommended for approval.

Very respectfully,

WED

(Signed) S. F. Larrabee

Acting Commissioner.

KRM.

DEPARTMENT OF THE INTERIOR, LIE  
WASHINGTON.

D.C. 5188-1907  
I.T.D. 270-1907.  
LEE.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

August 17, 1906, you transmitted the record in the matter of the application for the enrollment of Green Chambers as a Cherokee freedman, including your decision of the same date, adverse to the applicant.

Reporting January 12, 1907 (Land 72346-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Theo. Ryan,

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 2 to Ind. Of.

Cherokee  
R 228

Muskogee, Indian Territory. January 31, 1907.

Green Chambers,  
1432 North Twenty First Street,  
Fort Smith, Arkansas.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated August 17, 1906, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, on January 22, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

E. R. C.  
Enc. R. C. 4

Commissioner.

Cherokee

R 828

Muskogee, Indian Territory. January 31, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated August 17, 1906, rejecting the application of Green Chambers for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, on January 22, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

E. B. C.  
Enc. E. C. 3

Commissioner.



Cherokee Freedman  
2-828

Muskogee, Oklahoma, May 14, 1908.

Mr. Green Chambers,

Van Buren, Arkansas.

Sir:

In reply to your letter of April 25, 1908, asking to be advised if your "allotment is going to be allowed," you are advised the records of this office show that your application for enrollment as a Cherokee Freedman was denied by the Commissioner to the Five Civilized Tribes and his decision approved by the Secretary of the Interior January 22, 1907, of which action you were notified on January 31, 1907. The action of the Secretary of the Interior is final.

Respectfully,

LS

Commissioner.

ORIGINAL

Cher Fr R 829

Trans. from Cher Fr D 31

Cher Fr R 829

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., April 9, 1901

In the matter of the application of Anna Jones for the enrollment of herself and three children as Cherokee Freedmen. Anna Jones, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A. Anna Jones  
Q How old are you? A. I am 29 years old  
Q What is your post office? A. Melvin  
Q What district do you live in? A. Tahlequah district  
Q Do you apply to be enrolled as a Cherokee Free man? A. I do  
Q Have you ever applied to be enrolled as a Freedman of any other nation or tribe? A. I have not  
Q Have you always been recognized by the Cherokee authorities?  
A Yes sir, as far as I know  
Q Does your name appear on the Cherokee rolls? A. On some of them, not all.  
Q Is your name on the 1880 roll? A. No, sir, I don't know think it is.  
Q Who do you desire to have enrolled besides yourself? A. I have three children.  
Q What are the names of your children? A. Nancy Jones  
Q How old is Nancy? A. She is 13  
Q What is the next one? A. George, 11.  
Q The next one? A. Ida May  
Q How old is Ida May? A. She is 5  
Q What is your father's name? A. Eph Humphries  
Q What is your mother's name? A. Nancy.

The 1880 authenticated roll of Cherokee Freedmen examined and the name of the applicant not found thereon.  
The 1896 census roll of Cherokee Freedmen examined and the name of the applicants not found thereon.

- Q Are you married? A. Yes sir  
Q What is your husband's name? A. Sam Jones  
Q Is he a citizen? A. No, sir  
Q Where were you married? A. In Muskogee  
Q How long have you lived in Muskogee? A. I don't know exactly  
I have lived there a year or two, I don't hardly think two years, something over a year.  
Q Where did you live before that? A. At Gibson Station, I think it was.  
Q How long did you live there? A. I didn't stay there very long; my husband worked on the section and we went from place to place  
Q Where did you live before that? A. I came from Parsons  
Q Parsons, Kansas? A. Yes, sir.  
Q Where were you born? A. Tahlequah district, and I don't remember when we went to Parsons; I was a small girl when I came back  
Q You came back from Parsons to Gibson station? A. Yes sir  
Q After you were married or before? A. Before I was married  
Q How long since you came to Gibson station? A. I was a girl when I came there, I was small.  
Q Who did you live with when you came to Gibson station?  
A My parents, my mother.  
Q Did you come down there when your sister did, Mary Dean?  
A Yes, sir, I did.  
Mr. W. W. Hastings: attorney for Cherokee Nation: You moved from Gibson station over to Muskogee? A. Yes  
Q Where did you say you were married, in Muskogee? A. Yes, sir.  
Q You don't remember when you were taken out of the Cherokee Nation?  
A No, I was a baby.  
Q Between that and the time you married you never lived in the Cherokee Nation? A. No I didn't.

A.J.-2

Q When did you move over to the Cherokee Nation? A. Coming on three years ago.

Q Where do you live now? A. I live three miles from Melvin, up in Tahlequah district.

The Kerns-Clifton pay-roll examined and the applicant identified thereon page 108, No. 2692, Cooweescoowee district as Annie Jones.

Nancy Jones on page 108, No. 2693, Cooweescoowee district

George Jones on page 108, No. 2694, Cooweescoowee district, as George Jones.

Q Is this child a boy? A. Yes, sir, his name is George.

Commissioner Needles: The name of Anna Jones cannot be found upon the authenticated roll of 1880 or the census roll of 1896. She applies for the enrollment of herself and two children, Nancy and George, and their names are found on the Kerns-Clifton pay-roll, according to page and number as indicated in the testimony. She avers that she has one child Ida May, whose name does not appear upon said roll, having been born after the same was compiled. It will be necessary for her to file with this Commission satisfactory proof of the birth of Ida May. By reason of the fact that her name is not on the authenticated roll of 1880, and also of the facts stated in the testimony, final judgment will be suspended as to the enrollment of Anna Jones and her three children as Cherokee Freedmen, and their names will be placed upon a doubtful card.

Reference is hereby made to the testimony of her mother, Nancy Humphries, on D. card No. 30, and also to the testimony of her sister, Mary Dean, on D. card No 31.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof

(Signed) BRUCE C. JONES

Sworn to and subscribed before me this the 9th of April, 1901.

(Signed) T. B. NEEDLES  
Commissioner

-----  
Lucy M. Bowman, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of the original transcript.

*Lucy M. Bowman*  
Subscribed and sworn to before me this 24th day of January, 1906

*B. P. Rasmus*  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., April 8, 1901.

In the matter of the application of Mary Dean for the enrollment of herself and two children as Cherokee Freedmen.

Mary Dean, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Mary Dean.
- Q How old are you? A I am along about 39 I expect.
- Q What is your post office? A My post office is Muskogee.
- Q What district do you live in? A My district is Tahlequah district, but I have been living in Muskogee; my husband is a Creek citizen and I am living on his place.
- Q What is your husband's name? A His name is Jack Dean.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Did you ever apply to be enrolled as a freedman in any other nation or tribe? A No, sir.
- Q Have you always been recognized as a Cherokee Freedman? A Always to my knowing.
- Q Is your name on the Cherokee rolls? A I expect it is, it ought to be.
- Q Who do you want to enroll besides yourself? A Two children.
- Q What are their names? A Gentry Dean.
- Q How old is he? A He is 13.
- Q The next one? A His name is Samuel, 8 months old.
- Q What was your father's name? A His name is Ephriam Humphries.
- Q Is he living? A No, sir.
- Q What is your mother's name? A Nancy Humphries.
- Q Is she living? A Yes, sir.
- The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
- Q Did you draw money in 1894, the strip payment? A Yes, sir.
- The Kerns-Clifton pay-roll examined, and the applicants found thereon, pages and numbers as follows:
- Mary Dean on page 110, No. 2750, Tahlequah district.
- Gentry Dean on page 110, No. 2749, Tahlequah district, as Gentry Humphries.
- Q Is his name Humphries or Dean? A It is Dean; my mother enrolled him is why it is given in that way.
- Q Where were you born? A Born on 14 mile Creek; that is where my mother said I was born.
- Q How long have you lived in the Cherokee Nation? A I can't tell you that.
- Q Where do you live now? A I live in Muskogee on my husband's place.
- Q How long have you lived there? A I guess five or six years, on my husband's place.
- Q Where was Gentry born? A He was born here in the Cherokee Nation.
- Q Where was Samuel born? A He was born here in the Cherokee Nation.
- Q You don't know how long have you lived in the Creek Nation; about how long? A About five or six years I suppose.
- By W. F. Hastings, attorney for Cherokee Nation: Where were you when you were old enough to first remember; four or five or six years old?
- A Here in the Territory.
- Q Where? A Up on 14-mile Creek, as near as I can come at it.
- Q Who were you living with up there? A My mother.
- Q Was your father living? A Yes, sir, he was living then, but he is dead now.
- Q Who were your neighbors up there? A Julia Maria.



M.D.- 2.

Q Who else? A Uncle Joe Brown and all those.

Q Any Cherokees living up there? A I don't know, sir, whether there was or not, I can't hardly remember, I was so young.

Q You moved away from there when you were quite young? A Yes, sir.

Q Where did you go? A Mama first taken us to Kansas and then brought us back.

Q What town in Kansas? A Parsons.

Q You lived in Parsons all the time you were in Kansas? A Yes, sir, lived there a while and then came back here.

Q Where did you come to in the Cherokee Nation when you came back?

A I don't hardly know now where I did come to.

Q You didn't come to 14 mile Creek? A No, sir.

Q Well, what part? A I can't tell.

Q Why can't you tell; you claim that you lived up in Parsons a while; you ought to know where you came back to when you came back?

A I can't remember my mother telling me; she first came to Gibson station, and then came across; we lived over there somewhere close to Clingan.

Q How long did you live over there? A I don't know, sir, I didn't keep count; I can't give you any idea.

Q Where were you married? A I was married in Muskogee.

Q How long have you been living over there when you were married?

A I hadn't been there any time, I guess maybe a year or perhaps longer.

Q Was this oldest child born in Muskogee? A Yes, sir.

Q And you have been living there ever since? A No, I haven't been living over there ever since.

Q The oldest child was born in Muskogee? A Yes, sir.

Q Where have you been living since that time, outside of Muskogee?

A I lived first in one place and then another; first Wagoner, and then backwards and forth; of course I haven't been in Muskogee all that time; of course I have to live where he lives.

Q Where has he been living? A He is in the Creek Nation on his own place.

Q You have lived in the Creek Nation ever since you were married?

A Yes, sir, ever since I was married; I am telling you just like it is.

Q How long have you lived in Kansas? A I don't know, sir.

Q About how many years? A I can't tell you that, about how many years, because I was too young.

Q You came from Kansas down to Muskogee? A No, sir, we didn't.

Q You never have lived in the Cherokee Nation since you came back from Kansas? A No, sir, not that I know of.

Q And you went up in Kansas when you were too young to remember?

A I don't know whether I was too young to remember.

Q Well, you don't remember anything about before going there?

A Not hardly.

Commissioner Needles: You came from Kansas right to Muskogee?

A No, sir.

Q You came to Gibson and then went to Muskogee? A No, sir, we lived between the rivers several years, between the Arkansas and the Verdigris.

Mr. Hastings: Over in the Creek Nation? A Yes, sir.

Commissioner Needles: That is a fact? A Yes, sir.

Q You went from Kansas to the Creek Nation and your husband is a Creek, and you have been living with him ever since you were married? A Yes, sir.

Q You went to Kansas when you were a child? A Yes, sir.

Mr. Hastings: Your mother was up there in Kansas? A Yes, sir, also how could I have been there.

Q She has been with you all the time? A Yes, until I married.

Q She has been living in Muskogee ever since? A She is living in



M.D.- 3.

one of my husband's places now.

Q She has been there ever since you married? A Not exactly, she had been with one of my sisters over in the Cherokee Nation some.

Commissioner Meddler: The name of Mary Dean cannot be found upon the authenticated roll of 1880 or the census roll of 1896. It is found on the Kerns-Clifton pay-roll. The name of her child Gentry is found on the Kerns-Clifton pay-roll, but cannot be found upon the census roll of 1897. She avers that she has one younger child, named Samuel, 8 months of age. She makes no satisfactory proof of its birth. It will be necessary to file with this Commission evidence as to its birth. By reason of the fact that her name is not found on the roll of 1880, and the further fact that her citizenship is not fully established, reference is hereby made to the testimony, and her name is placed upon a doubtful card.

Reference is also made to the testimony of her mother, Nancy Humphries, on D. card No. 30, and it is suggested that in the case of Nancy Humphries that the testimony of Mary Dean be taken into consideration, her name appearing upon D card No. 31.

\*\*\*\*\*

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

*Bruce G. Jones*

Sworn to and subscribed before me this 9th of April, 1901.

*[Signature]*

Commissioner.

( COPY )

DEPARTMENT OF THE INTERIOR  
Commission to the Five Civilized Tribes,  
Ft. Gibson, I. T., April 9, 1901.

In the matter of the application of Nancy Humphries for the enrollment of herself and 2 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles she testified as follows:

- Q What is your name? A Nancy Humphries.  
Q How old are you? A. I am 50 years old, past.  
Q What is your post office? A. Muskogee, now, I am a widow woman and I have to work for a living.  
Q Well you have a post office if you do have to work for a living, is your post office Muskogee now? A. Yes sir.  
Q What district do you live in? A. Tahlequah.  
Q Are you a recognized citizen of the Cherokee Nation, Freedman?  
A Yes sir.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.  
Q Did you ever apply to be enrolled as a Freedman of any other nation or tribe? A. No sir.  
Q Who do you want to enroll besides yourself? A. Two boys.  
Q How old is Thomas? A. He will be 21 next birth.  
Q Next boy? A. He is 15.  
Q What is his name? A Willie.  
Q How old is he? A. He is 15.  
Q Were you born a slave? A Yes sir.  
Q What was your owner's name? A. Bob Parris.  
Q Was he a Cherokee? A. Yes sir.  
Q How long have you lived in the Cherokee Nation? A. My home is in the Cherokee Nation now.  
Q Were you born in the Cherokee Nation? A. Yes sir.  
Q Were you taken out during the war? A. No sir.  
Q Where were you during the war between the United States and the Confederacy? A. We was out in the woods most of the time.  
Q In the Cherokee Nation woods? A. Yes sir, in the Cherokee Nation.  
Q Didn't go out? A. No other place.  
Q How long have you lived in Muskogee in the Creek Nation? A. I just work there until I get tired and then I come and live with my daughter.  
Q Your daughter live in the Cherokee Nation? A. Lives on 14 Mile Creek, yes sir.  
Q Are you married now? A. No sir, I am a widow woman.  
Q How long has your husband been dead? A. I couldn't tell you, sir, how long he has been dead; he has been dead a long time.  
Q Have you lived in the Creek Nation all the time since your husband died? A. No sir, not all the time.  
Q You are just living backwards and forwards, working at Muskogee?  
A. Yes sir.  
Q What was your name before you were married to Humphries?  
A Parris.  
Q What was your father's name? A. I couldn't tell you that.  
Q What was your mother's name? A. Mary Parris.

Nancy Humphries et al. "

- Q Is your name on the authenticated roll of 1880? A. I guess so, I think so.
- Q Where was you in 1880, say 20 years ago? A. In Tahlequah I think; we lived at Park Hill over at Tahlequah.
- Q You say you were born a slave? A. Yes sir.
- Q Were you ever married before you married Humphries? A. No sir.
- Q Did you ever go by any other name besides Parris or Humphries? A. Not as I know of.
- Q You know James and Cerena Parris? A. Yes sir, my uncle and aunt.
- Q Tom Humphries the name of this boy? A. Yes sir.
- Q You never went by any other name besides Nancy? A. No sir.
- Q You know Peter Humphries? A. That was my husband's nephew.
- Q It is very strange that your name aint on that roll, you know why? A. No sir, it ought to be somewhere on there.
- Q Did you draw your Strip money? A. Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant and name not identified  
1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon, nor the names of her sons for whom she applies.

- Q You say you were never out of the Cherokee Nation? A. No sir,
- Q Never went to Texas or Kansas or Arkansas? A. No sir, don't know no more about Texas than a little bit of a baby.
- Q Did you draw your money yourself in 1894, on the strip payment roll? A. Yes sir, I did, draw myself.

Examined by Cherokee Representative, W. W. Hastings:

- Q Where do you live in ~~Tahlequah~~ the Cherokee Nation, in Tahlequah Dist.?
- A I live on 14 Mile Creek, but I used to live in Tahlequah, in the town of Tahlequah; Dick Humphries was my brother-in-law, and I lived there; he run a blacksmith shop.
- Q Where were you during the war? A. Right here in Fort Gibson.
- Q You staid here all during the war? A. No, not right in the town, they kept us children all hid out in the woods and the mountains most of the time.
- Q You were in Ft. Gibson just after the war were you? A. The war was going on when I come down.
- Q Where were you just after the war closed, in Fort Gibson?
- A Yes sir.
- Q How long did you live in Ft. Gibson then? A. I couldn't tell you. When I married I married here.
- Q You lived here up to the time you were married? A. Yes sir.
- Q How old were you when you were married? A. I couldn't tell you that; I can't really tell when.
- Q Well, you know about how old you were? A. I don't know sir.
- Q Were you as much as 20 years old when you married? A. Yes sir, older too, I guess, maybe.
- Q Where did you live after you were married? A. I lived here part of the time, and then we moved over here to Park Hill.
- Q South of Tahlequah? A. Yes sir, I guess south; we lived there awhile and then we moved into Tahlequah; we lived out there on Mr. Foreman's place.
- Q North of town? A. Yes sir. Right there back part of town.

Nancy Humphries et al. 3

- Q Who did you say you belonged to? A. Bob Parris  
Q How long have you lived in Muskogee? A. I just work over there; I am a widow woman.

By Com'r. Needles.

- Q How long have you worked there? A. Two or three years I guess often and on/ work until I get tired and then go up on the river here.

Examined by Cherokee Rep've W. W. Hastings.:

- Q Where is your family? A. My boys are working over there.  
Q Keep house? A. No sir, stay with the people I work for mostly; of course they have a cook, and always furnish a room  
Q What did you say your husband's name was that died? A. Eph Humphries.  
Q You say you heard it was reported that you were dead?  
A Yes sir, somebody got out that report; I don't know who it was  
Examined by Cherokee Representative W.W. Hastings:

- Q You say you belonged to Bob Parris before the war? A. Yes sir  
Q In what district did Bob Parris live?  
A He lived between here and Tahlequah  
Q Did he have some children? A. Yes sir  
Q What were their names? A. One was named George; one was named Bob, after himself; and the women, one was named Lucy and one Liza and Gatsy I believe  
Q Are any of those people alive now? A. Not as I know of.

By Commissioner Needles:

- Q Didn't you go up to Kansas after the war? A. Yes sir.  
Q You said awhile ago you had never been to Kansas or Texas or Arkansas? A. I thought you said during the war.  
Q When did you go to Kansas? A. My mother was there.  
Q When was that? A. I couldn't tell you when it was.  
Q Was it after the war? A. Yes sir.  
Q Was you born in Kansas? A. No sir, I wasn't; I was a slave.  
Q What was your mother doing in Kansas? A. I couldn't tell you.  
Q Did she live there? A. I guess so  
Q Did she ever come back? A. No sir, she died.

Examined by Cherokee Rep've W.W. Hastings:

- Q How you lived in Texas awhile? A. Never was in Texas in my life; don't know no more about Texas than a baby; right to-day I wouldn't know Texas if I would get in Texas.

DORCAS BUFFINGTON, being sworn and examined by Commissioner Needles testified as follows:

- Q Your name is Dorcas Buffington? Is it? A. Yes sir.  
Q You know Nancy Humphries? A. Yes sir.  
Q How long have you known her? A. I have been knowing her ever since she was a little girl; born at old Bob Parris, a Cherokee Indian.



Nancy Humphries et al. 4

Examined by Charles Rep'te W. W. Hastings:

- Q Where did Bob Parris live? A. Old Bob Parris he lived in Goingsnake, right up where I used to live, between where I belonged and Cincinnati.
- Q Near Cincinnati, Arkansas? A. Yes sir, just right between the two places.
- Q Was that where this woman was living when the war come up?
- A She was living up here on---where Old Aaron Crittenden used to live; that's where she lived; her mother (master) died there.

Examined by Com'r Needles:

- Q What was her master's name? A. Old Bob Parris.

Examined by Cher. Rep. W. W. Hastings:

- Q Did this woman go south during the war? A. No sir, she was right here all the time when Mr. Humphries was. She was here until the war ended and she got to studying, just like many other darkies would, I want to see where my mother is and where my people is, and she went to hunt her; she went up into Kansas.
- Q When did she go to Kansas? A. I reckon it was about three or four years after peace was declared. When peace was declared they was right here in Gibson with me; we was all here together in Gibson.
- Q How long did she stay in Kansas? A. She can speak for herself; I didn't keep nobody's time.
- Q How long was she out of here? A. I don't know sir; she wasn't out of here so long, and if I was to say she was out 10 years I might miss it, so I aint going to say.
- Q Did you see her inside of ten years? A. Yes sir, I did; I know her raising and know who she belonged to and all about it.
- Q Did you testify for her before? A. No sir, I testified for Mrs. Jones.
- Q You didn't testify for her before the James-Clifton Commission in 1896? A. No sir.
- Q Now Aunt Dorgan, here is your testimony? (Referring to book)
- A Well, then, I may have done it; I might have forgotten it, but I wouldn't lie.
- Q Didn't you say she went to Texas? A. No, she went to Kansas; she didn't go to Texas; she wasn't even carried there; she was right here when peace was declared.
- Q Now where has she been living for the last few years? A. She has been living at Muskogee.
- Q How long has she been living at Muskogee? A. She has been there a good many years.
- Q About how long? A. I can't tell you that. You might catch me in a lie, and I aint going to lie, because when I don't know anything I don't know it.
- Q Ten or fifteen? A. Well it might be, I can't say; when I was a slave they couldn't make me lie, and so I am not going to after I am free woman.
- Q Now, Aunt Dorgan, you lived thirty or forty miles from here when the war come up didn't you? A. No, she was right here in Gibson,---when the war come up, yes sir, she lived down there close to Aaron Crittenden's that's where her master died.
- Q How do you know she was living there when the war come up?
- A Because I went right by the house when I was going to Tahlequah and see his grave right before the door, and they told me he was buried there.
- Q But Aaron Crittenden's wasn't between where you lived and Tahlequah; it was on this side about five miles?

- A Aaron Crittenden's place was five or six miles this side of Tahlequah.
- Q Then you wouldn't go by Aaron Crittenden's place when you went up from near where you lived, near Cincinnati, to Tahlequah?
- A I was living on Fourteen Mile Creek when I went by Bob Parris'.
- Q Was you living on Fourteen Mile Creek when the war come up?
- A No sir, I was living in Goingsnake.
- Q How do you know she was living there when the war broke out, in '61, say? A. She was living down there somewheres down about Park Hill when the old man died he left them all free, and you know they jerked them all up in slavery, and they must have been living down there.
- Q How long before the war was it you saw her? A. Before the war all my days when she was a little girl she turned up right by my home, and you know niggers visiting one another they know all about one another; just like I tell you.

APPLICANT, NANCY HUMPHRIES, re-called, and further examined by Commissioner Needles, states:

- Q Now, Nancy how long did you live in Muskogee? A. I don't know sir.
- Q Well, about how long? A. Year or two I guess, often and on; go backwards and forwards from my daughters and work awhile, and I get tired and then I goback.
- Q How long have you been at that? A. A good while, I just don't keep count of all the months.
- Q Well you know about how many years? A. I don't know; I guess it has been maybe 2 years.
- Q Auntie Dorcas says you must have been over there 10 years?
- A No I don't know that I have been over there that long.
- Q Where is Thomas and Willie living now? A. They are over there; Tommie is working at the Hotel there.
- Q Was he born over there? A. No sir.
- Q How long has he lived there? A. He stays there with me, you know they are my two youngest children.
- Q Where is Willie? A. He is there.
- Q At Muskogee? A. Yes sir.
- Q Where were Tommie and Willie born? A. In the Nation.
- Q In what nation? A. In this Nation, Cherokee Nation.
- Q Whereabouts? A. On the river here.

DORCAS HUFFINGTON, recalled, and further examined by Commissioner Needles, states:

- Q Aunt Dorcas, do you know whether Nancy's name is on the roll of 1880? A. No sir, I do not.

NANCY HUMPHRIES, recalled, and examined by Com'r Needles:

- Q Nancy do you know why your name aint on the roll of 1880?
- A No sir.
- Q Did you think it was, or did you know it wasn't when you came here? A. I thought it was on there; I thought it was on the 1880 roll.
- Q Did Gerena have a boy named Thomas? A. Yes sir.
- Q Did she have one named Willie? A. Yes sir.



Nancy Humphries et al.--6

DORCAS HUFFINGTON recalled and examined by Com'r Needles:

- Q What relation is Cerena to Nancy, aunt Dorcas? A. Her name is Cerena Ferris; all of them used to belong to one man, this woman and her.

Kerns-Clifton roll page 110 #2746 Nancy Humphries Tahlequah Dist. Note on roll "Died in 1889".  
page, 110 #2747 Tom Humphries, Tahlequah Dist.  
page 110 #2748 Will Humphries, Tahlequah Dist.

Examined by Cherokee Rep've W. W. Hastings.

- Q You say both of these children were born in the Cherokee Nation on Fourteen Mile Creek,--you are under oath now?(A (No response)

Examined by Commissioner Needles

- Q Now where was Tommie born? A. He was born up the river  
Q Up the Arkansas river, up the Grand River? A. I reckon.  
Q Where was Willie born? A. You will have to allow for me.  
Q Don't get scared now, don't you recollect where Tommie was born?  
A He was born somewhere in the Cherokee Nation; I was in the Cherokee Nation.

Com'r Needles: The name of Nancy Humphries is not found upon the authenticated roll of 1880 nor the census roll of 1896; neither are the names of her children Thomas and Willie found upon the census roll of 1896; their names are found upon the Kern-Clifton roll; by reason of the fact that her name is not on the authenticated roll of 1880 and no satisfactory proof is made as to their citizenship final judgment will be suspended and their names will be placed upon a doubtful card.

-----//-----

M. D. Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green

Subscribed and sworn to before me this April 10, 1901.

(Signed) T. B. Needles

Commissioner

Lucy E. Bowman, being duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full true and correct copy of the original transcript.

*Lucy E. Bowman*

Subscribed and sworn to before me this January 23, 1906

*B. P. Rasmus*  
Notary Public.

~~FILED~~

CHEBOCHEE FREEDMEN

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
APR 9 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 8 1901

Post Office Melvin

District Tahl -

1. Name \_\_\_\_\_ Age \_\_\_\_\_  
 Owner's name \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ District \_\_\_\_\_

Parents: \_\_\_\_\_  
 Father \_\_\_\_\_ Citizenship \_\_\_\_\_  
 Mother \_\_\_\_\_ Citizenship \_\_\_\_\_

(1) Name of wife Anna Jones Age 29

Owners name \_\_\_\_\_ Citizenship \_\_\_\_\_

Year K.C. Page 108 No. 2692 District 600

Parents: \_\_\_\_\_  
 Father Eve Humphries Citizenship \_\_\_\_\_  
 Mother Nancy " Citizenship \_\_\_\_\_

Names of Children:

3.	Nancy Jones	Year K.C.	Page 108	No. 2693	Dist. 600	13
4.	Georgia "	Year K.C.	Page 108	No. 2694	Dist. "	4
5.	Ida May	Year _____	Page _____	No. _____	Dist. _____	5
6.		Year _____	Page _____	No. _____	Dist. _____	
7.		Year _____	Page _____	No. _____	Dist. _____	
8.		Year _____	Page _____	No. _____	Dist. _____	
9.		Year _____	Page _____	No. _____	Dist. _____	
10.		Year _____	Page _____	No. _____	Dist. _____	
11.		Year _____	Page _____	No. _____	Dist. _____	
12.		Year _____	Page _____	No. _____	Dist. _____	

Application made by No (1)

(1) K.C. Roll " Annie Jones

(5) Affidavit of Birth to be filed.

Monographs Jones B. B.

09/10/21

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
MAR 28 1902

ACTING CHIEF

CONFIDENTIAL

Excluded and sworn to before me this September 24th 1902.

The sub. complete transcript of his deposition and notes thereof.  
testimony and proceedings in this case and that the following is a  
correct and true copy of the original as recorded in the  
book of the Commission.

Part of the record in D-21 and D-35.  
BY COMMISSIONER. This testimony will be filed and made a

part of the record in D-21 and D-35.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Waskogee, I. T., February 3, 1902.

SUPPLEMENTAL TESTIMONY OF NANCY HUMPHRIES OF CREEK NATION in  
the matter of the application of Nancy Humphries et al for enroll-  
ment as Cherokee Freedmen.

Appearances:

Applicant, in person;

W. W. Hastings, of attorneys for the Cherokee Nation.

NANCY HUMPHRIES, being sworn and examined testified as follows:  
(Recalled by the Cherokee Nation for additional  
cross examination.)

BY HASTINGS:

Q Aunty, your name is Nancy Humphries? A Yes sir.

Q What was your father's name? A I can't remember.

Q Didn't you never hear your father's name called? A I think his  
name was Riley.

Q You know it was Joe Riley don't you? A (No reply)

BY COMMISSION:

Q Was that your father's name, Joe Riley? A That is what they said.

BY HASTINGS:

Q What was your mother's name? A Mary.

Q You are a half sister of Ed Riley's aint you? A Yes sir, I  
reckon I am.

Q You had a husband named Eph Humphries aint't you? A Yes sir,  
Eph Humphries.

Q You have not a boy that has not been applied for by the name of  
Joseph Humphries? A Yes sir.

Q Now auntie, I want to know where Joe was born? A Joe was born  
I don't just remember where he was born; I travelled somewhere.

Q Now, auntie, I don't want to worry you, but that is the very  
reason I re-called you for additional cross examination, because  
your statement is not clear and I have to have these points. You know  
and so we would like to have the statement as clear as we could  
get it. Now I would like to know where Joe was born? A Joe was  
born as I went up to see my mother I think.

Q Well, where? A In Kansas. I can't tell you every place  
the were born.

Q I would like to know where Tommie was born? A I don't know what  
place it was.

BY COMMISSION:

Q Do you remember auntie, do you remember what place he was born?

A No sir, I can't remember just what place he was born.

Q What were you living at that time? A I think I was in Parsons.  
I guess, I don't know.

BY HASTINGS:

Q Tell where was Willie born? A Willie was born in the Territory.

Q At Parsons? A I said in the Territory.

Q Well where? A I think he was born here in the Creek Nation I  
reckon.

BY COMMISSION:

Q Now what town was it; where were you living at that time; near  
what town; was it near Waskogee? A No sir, I don't know hardly.  
I can't remember.

BY HASTINGS:

Q It was up here between the rivers in the Creek Nation wasn't it,  
up here in this prong of rivers, not far from Gibson Station wasn't  
it? A Yes sir, I guess it was; I don't just remember, but then  
I try to make it as near right as I can.

- Q Where did Eph Humphries, your husband, die? A He died whilst I was out to visit my mother, and I come on back to the Territory after he died.
- Q It was born in Kansas wasn't he? A Yes sir, he was bound to be born in Kansas.
- Q You know what year he died? A No sir, I don't.
- Q You know how many years ago it was? A No sir, I don't know that.
- Q Did he die before Willie was born? A Well now if you want me to tell you the truth, after we went to Kansas we parted and then I come on back down here again in the Territory, and then I went back back again.
- Q Went back up there? A Yes sir.
- Q You and Eph Humphries, and come back when he died? A No sir, we never.
- Q Didn't he have any estate up there to settle up, no house nor nothing, no property? A No sir, we rented while we was there.
- Q Where place did you rent? A We rented from a man by the name of Crow.
- Q Was that close to Parsons or Fort Scott? A I don't know nothing about Fort Scott.
- Q Tell how far was that from Parsons? A I don't know that.
- Q Tell about how far, best of your knowledge, auntie? A Mr. Hastings, it was a good ways, but I can't tell you just how many miles.
- Q Will four or five? A Yes sir I reckon it was that far and maybe farther.
- Q Do you know whether it was north, east or south or west of Parsons? A West I think; not due west either, it was kinder north-west I reckon.
- Q How many years did you live in that place, or what did you do rather when you did live on it? A Didn't do anything but just jobbed around and sawed wood and washed.
- Q Farm? A No sir.
- Q Made no crop? A No sir.
- Q And Eph died up there did he? A Yes sir.
- Q On that place? A He died at my mother's.
- Q Where was your mother? A She lived there close.
- Q How far from where you lived? A Two or three miles I reckon, maybe not so far.
- Q You was keeping house separate from your mother then? A Yes sir.
- Q You come from Parsons down here near Gibson Station your daughter said, is that true? A Yes sir, and went backwards and forwards on Fourteen Mile Creek and back again and washed.
- Q How did you live on Fourteen Mile Creek since the war? A I can prove that I did.
- Q Did you? A Yes sir.
- Q With whom did you live over there? A Since the war, I wasn't married to Eph until after the war.
- Q What year did you marry Eph? A I couldn't tell you, I don't know what year it was.
- Q Had the war quit when you married him? A Yes sir.
- Q It had quit had it? A Yes sir.
- Q How long hadn't been quit? A I couldn't tell you that either.
- Q Now where was Mary born? A Over there on Fourteen Mile Creek.
- Q At whose house? A Little house we had of our own close to Jim Parish's.
- Q Did you have a house up there? A Yes sir. Little low house there. Jim Parish was my uncle.
- Q Where was Anna born? A She was born in the Territory.
- Q I want to know where? A Over there; we lived in Gibson, and to Park Hill and Tahlequah and all around in there, and from there to Fourteen Mile Creek.
- Q How long did you and Eph live there after you went to living together as man and wife? A Where?



Q Over there in the Cherokee Nation, anywhere? A Gibson, I could not tell you how long we lived there, and then we went from there to Park Hill and lived there a long while, and from there -

Q Near Rob Egan? A Near Egan's place, I worked for Steven Foreman.

Q After the war? A Yes sir.

Q Your people belonged to them before the war didn't they? A My mother belonged to Bob Parish.

Q What about your father? A I think he belonged to John Riley, I reckon, Mr. Hefner's uncle.

Q Well did you live at Fort Gibson after the war any? A Yes sir I lived in Fort Gibson and on Dan Gunter's place; he is a Gunter, I don't know whether his name is Dan or not; I stayed at Fort Gibson a long time and worked for old women that is over there now.

Q You went from there to Fourteen Mile Creek, did you? A I went from Gibson to Park Hill.

Q Did you ever know Columbus Lasley; he lives right in Fort Gibson? A Yes sir, course I did, I know Columbus; lived right there close to my grandmother's.

Q Did you have a farm over there? A There?

Q Over on Fourteen Mile Creek? A Yes sir, we didn't have no farm.

Q Never had any house of your own did you? A Yes sir, we had a house of our own.

Q Who did you sell it to? A My uncle got the house.

Q What was his name? A Jim Parish.

Q It was his house too wasn't it? A No sir, Eph built the house himself, and I hope him what was done to it, little log house.

Q Are these two girls, Anne and Mary twins? A No sir.

Q Which is the oldest? A This one here.

Q Mary? A Yes sir.

Q They must have been quite small when you took them to Kansas; neither one of them didn't remember anything? A They was small, all my children was small.

COLUMBUS LASLEY, being sworn and examined testified as follows:

BY HASTINGS:

Q What is your name? A Columbus Lasley.

Q You know this applicant, Nancy Humphries? A Yes sir.

Q Did you know Eph Humphries? A Yes sir.

Q Where were you living during the war? A Fort Gibson.

Q Where did you live immediately after? A Lived at Fort Gibson.

Q When did you leave Fort Gibson? A I left Fort Gibson in '07, and went about four miles west.

Q What time in '07? A Spring.

Q And went about four miles east? A Yes sir.

Q Would that be over in the Four Mile Branch neighborhood?

A Yes, sir.

Q Did you ever know Eph and Eph living over there on Four Mile Branch after the war? A No sir.

Q Did you ever know them living over about Park Hill since the war? A No sir.

Q Ever knew them living about Talequah since the war? A No sir.

Q Are you well acquainted with that section of the country? A I have lived there all my life, yes sir.

BY CONFESSOR:

Q When did you first learn to know these Humphries? A During the war.

Q Where was he living right after the war? A Fort Gibson.

Q How long did he continue to live there? A I lived there until '07.

Q How long did he live there? A I don't remember how long he lived there.

Q Was he living there when you moved away? A No sir, gone some place, I don't know where.

- Q Loved his family  
 A Yes positive he  
 BY EXAMINATION  
 Q Did you ever see him in this country after that? A No sir

BY EXAMINATION: This testimony will be taken and made a part of the record in D-51 and D-52.

H.B. Green, being first duly sworn, states that as stenographer to the Commission to the Court, he has personally referred the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*M. G. Green*

Subscribed and sworn to before me this February 5th, 1902.

MAILED  
 FEB 11 1902  
 U.S. DEPT. OF JUSTICE  
 DIVISION OF INVESTIGATION

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I.T. JULY 28, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of NANCY Humphries, ET AL., MARY DEAN, ET AL., and ANNA JONES, ET. AL., as Cherokee Freedmen.

It appears that on June 25, 1904, the applicants and the attorneys for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 15, 1904, and introduce further testimony touching the points mentioned in said letter. There being no appearances on behalf of the applicants, this case was continued until this the 28th day of July, 1904, when the Cherokee Nation introduced the following testimony.

APPEARANCES:

No appearance on behalf of the applicants.  
Cherokee Nation by its attorney, James S. Davenport.

DANIEL WILLIAMS, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Daniel Williams.

Q How old are you? A 66.

Q What is your post office address? A Parsons, Kansas.

Q Are you a citizen of the United States? A No, sir. Yes, sir.

Q Not a Cherokee freedman? A No, sir.

Q Do you know the applicant in this case, Nancy Humphries, who has applied here to be enrolled as a Cherokee freedman? A I don't know her by that name.

By Mr. Davenport:

Q Did you ever know a colored person by the name of Nancy Johnson?

A Yes, sir.

Q Where did you know her? A She lived in Parsons.

Q Did you ever know her father, or who she claimed was her father?

A Joe Riley is the man that was her father.

Q Where did he live when you knew him? A First in Emporia, Kansas.

Q Did he afterwards move to Parsons? A He did.

Q What was his daughter's, Nancy's, name, if you remember, when you first knew her? A Nancy Johnson; I was on the railroad from Parsons, Emporia and Junction City.

Q About when was it you got acquainted with them? A I don't remember whether it was 1879 or whether it was in 1880; it was along in there; they lived in Parsons.

Q You were railroading from Emporia along down to Junction City at the time? A Yes, sir.

Q Did she come down on your train from Emporia? A Yes, sir.

Q How long, or up to what time did you know of her living in Parsons?

Q How many years ago? A I don't remember her any further back than along in 1886.

Q Did she keep house in Parsons? A Yes, sir.

Q Do you know what became of her father? A No, sir. I don't, because I left there on the 11th of April, 1886, and moved to Fort Scott, Kansas, and when I came back in 1888 they had left.

Q Have you ever seen either of them since that? A I have seen her once since that; she was in Parsons on a visit along in I don't remember the year.

Q It was after you came from Fort Scott? A Yes, sir.

Q Did you learn what her name was then, or had she remarried? A

A I don't know.

Q You knew her as the daughter of Joe Riley? A Yes, sir.  
Q You say Joe was a minister of the gospel? A Yes, sir.  
Q Do you know whether or not they owned any property in Parsons, Kansas? A There was some property there they claimed was theirs on Corning Avenue and 22nd. Street.

By the Commission:

Q Was this woman you speak of married during the time they lived up there? A Her husband then was George Johnson.  
Q Did she have any children by him? A That I don't know.  
Q Did she have any children? A Yes, sir.  
Q What were their names? A I don't remember.  
Q How many children did she have? A That I don't know.  
Q When was the first time, you say, that you ever saw her? A It was along in 1879 or 1880; I never charged my mind particularly about it; I only saw them passing along on the trains, as I saw lots of other people.  
Q You don't know where they came from? A To Parsons?  
Q Yes. A From Emporia.  
Q You don't know where they come from when you first saw them? A No sir.  
Q These people that you are speaking of did they claim to be Cherokee freedmen, or did you ever hear them say anything about it? A Never paid much attention to that part of it; never was interested and never paid any attention to it.  
Q When did they leave Parsons? A That I don't know; between 1886 and 1888; I left there and left them there and when I come back in 1888 they were gone.  
Q You don't know where they went? A I understood to the Territory  
Q But you don't know? A No, sir.

-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-o-

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof

(Signed) H. M. Vance.

Subscribed and sworn to before me this the 5th day of August 1904

(Signed) Wm. T. Martin Jr.  
Notary Public.

Lucy M. Bowman being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full and correct copy of the original transcript.

*Lucy M. Bowman*

Subscribed and sworn to before me this 5th day of August, 1904.

*Wm. T. Martin Jr.*  
Notary Public.



( COPY )

Cherokee F B-10-21-32.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., SEPTEMBER 19, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Nancy Humphries et al., as Cherokee Freedmen.

It appears that on August 10, 1904, the applicant and the representatives for the Cherokee Nation were duly notified that on September 19, 1904, the applicant would be permitted to introduce further testimony in the above entitled cause.

APPEARANCES:

Applicant appears in person.  
Cherokee Nation by its representatives, W. W. Hastings, and L. B. Bell.

NANCY HUMPHRIES, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Nancy Humphries.  
Q How old are you? A I don't know exactly I can't tell you that about 57 or 58 I guess.  
Q What is your post office address? A Muskogee.  
Q You have testified in this case once or twice before haven't you?  
A Yes sir.  
Q Was you a slave at the beginning of the rebellion? A Yes sir.  
Q To whom did you belong? A Bob Paria.  
Q Was he a Cherokee Indian? A Yes sir.  
Q Where did he live? A Between Tahlequah and Fort Gibson is where I remember he lived, I don't know where else they lived.  
Q Was he living when the war began? A He died just before the war began I believe.  
Q How did you belong to at the beginning of the war? A I lived with Bob he had a son named Bob.  
Q You belonged to young Bob Paria? A Yes sir and George.  
Q You was owned by the Paria family? A Yes sir.  
Q Did you go out of the Cherokee Nation during the war? A No sir.  
Q You stayed here? A I was in the Cherokee Nation.  
Q Never went out of the Cherokee Nation during the rebellion? A No sir.  
Q What time did you leave the Cherokee Nation? A You mean after the war.  
Q Yes? A I couldn't tell you just when it was.  
Q About when? A I was here a long time after the war at Fort Gibson and Park Hill, I can't remember how long it was.  
Q When did you go to Parsons, Kansas? A We was away after I married, I couldn't tell you what year because I don't know the dates of the year.  
Q When was you married? A I don't know the year.

- Q Before the war? A No sir.
- Q After the war? A Along about the last part of the war or during the war.
- Q Did you ever go by any other name than Nancy Humphries? A Yes sir.
- Q What name did you go by? A Johnson but I never changed it on the roll.
- Q What is your father's name? A I don't know I thought it was Joe Riley but I learned better, he was only a step-father, but I guess I was small when him and my mother married, I don't know my own father.
- Q Can you give us an idea as to when you left the Cherokee Nation and went to Kansas? A No sir, I don't guess I can.
- Q How long after you were married? A It was a long time, I couldn't tell you the year.
- Q Ten years after you was married? A I suppose so.
- Q How many children did you have when you left the Cherokee Nation? A I was the mother of three children.
- Q What were their names? A I had Mary and Joe.
- Q Did you have Anna? A Yes sir.
- Q When did you come back to the Cherokee Nation from Kansas? A I come back I don't know what year it was, I didn't stay up there everly long, my mother lived in Kansas and I have been backwards and forwards several times, I have been here in the Creek Nation the most of the time.
- Q Is your name on any of the rolls of the Cherokee Nation? A It must be.
- Q You say you didn't remain in Kansas a great while? A No sir.
- Q About how many years did you stay there? A I couldn't tell, might have been three or four or five maybe, I was backwards and forth.
- Q Where does Mary Dean live now? A Out here.
- Q You mean in the Creek Nation? A Yes sir.
- Q Where does Anna Jones live? A Out here now.
- Q In the Creek Nation? A Yes sir.
- Q You say you never went out at all during the war? A Not out of the Cherokee Nation.

BY MR. HASTINGS:

- Q How old are you? A I am about 57 or 58 years old. I don't know my age.
- Q Where was you living when the war came up in war times? A We were out here, I can't tell you the name of the place.
- Q Near what town were you living? A We were in the nation, I don't know the town.
- Q You never heard of any town? A Yes sir, Tahlequah I know for one place.
- Q How far and in what direction were you living from Tahlequah when the war came up? A I was living at Park Hill when the war came up.
- Q What direction is that from Tahlequah and how far? A I think it is five miles.
- Q How long had you been living there when the war came up? A I don't know that, I was a small child and don't remember.
- Q About how long had you been living there? A I couldn't tell you to save my life.
- Q About how long? A It might have been ten or twelve years, I couldn't tell you.
- Q With whom were you living when the war came up? A With Paris part of the time.



- Q What was Paris' first name, Bob Paris? A Yes sir.
- Q What was Paris' wife's name, young Bob's? A Wife was named Martha, she was Martha Woods before she married Paris.
- Q And there is where you was living? A I was living at Park Hill.
- Q Were you living with these Paris? A No, I had been living with Paris but had come over to Foreman's.
- Q And were you with the Foremans? A My parents were there.
- Q Were your parents at Paris? A Right then they were at Foreman's.
- Q When the war came up you was living with Foreman? A I lived with Paris all during the war.
- Q I don't exactly get this, who were you living with when the war came up? A I was with Paris.
- Q How is it that you said you had been living with Foreman? A My mother and father were there and I went there.
- Q To the Foremans? A Yes sir.
- Q And your father was named Joe Riley? A I said that because I didn't know.
- Q What do you say now? A He was my step-father.
- Q What was your mother's name? A Mary.
- Q Was your mother living when the war came up? A Yes sir.
- Q Where did she die? A She died in Kansas.
- Q What town? A A place called Emporia.
- Q When did she go to Emporia? A My mother went, I don't know when to tell the truth because Paris had taken me off.
- Q Where did they take you to? A Up in the country.
- Q You mean to say that Paris took you away from Park Hill? A Yes sir.
- Q Did they take you away from there at the beginning of the war? A Yes sir.
- Q Was it after the war had commenced? A I guess it was.
- Q Do you know? A No sir I don't.
- Q Where did you leave your mother? A I left her at Park Hill.
- Q With the Foreman family? A Yes sir.
- Q With Dr. Foreman's family who lives at Vinita? A He wasn't no doctor, he was a preacher.
- Q This Foreman family you was with was a preacher? A Yes sir.
- Q Uncle Stephen Foreman? A Yes sir.
- Q Where did the Paris take you? A I don't know the name of the place where they took me, Bob Paris took me away.
- Q Took you south? A No sir, never was south in my life.
- Q How far did he take you from Park Hill in what direction and how long was you gone? A I don't know, I reckon it was north.
- Q How many days did you travel? A About a day and a half.
- Q To what town did you go? A Didn't go to no town, they lived in the country.
- Q Near what place, did you go, didn't you hear them talk about no trading point? A No sir, because they lived on a farm and raised pretty near everything they had.
- Q I have got to have something about where you was located during the war, and I am trying to get you to tell me where they took you? A It was somewhere on the Illinois, I don't know no town.
- Q Did they take anybody else with you? A Two, had their witness they took with me.
- Q What were their names? A Jennie Beck and Jim Paris.
- Q How far from Tahlequah, was your mother with you? A No sir.
- Q How far did they take you from Tahlequah? A I couldn't tell you, I have answered two or three times.
- Q She lived out where where they took you? A The rest of the sisters of the Paris.

- Q What were their names? A One was named Eliza Downing, Betsey Downing, and Leathy Foreman.
- Q Were they Cherokees? A Sister to young Bob Paris.
- Q Are all of these people living now? A I don't know, I never have heard of them I don't believe.
- Q Did Bob Paris have any children? A Young Bob.
- Q Yes? A He had one.
- Q What was its name? A I can't remember its name, I was a nurse there.
- Q What was young Bob's wife name? A Martha Woods before he married her.
- Q Is she living now? A I don't know sir, I don't know whether she is or not.
- Q Who did she afterwards marry? A I don't know that.
- Q Did Bob Paris die? A Old Bob did.
- Q Young Bob? A He wasn't dead when I knewed him, anything about him, I think he is dead now.
- Q How long did you stay at this place where the Parises took you? A I stayed there all along during the war, until going toward the last, until they were going to carry us to Texas and they couldn't carry us. All along during the war I was with them.
- Q When did you leave them? A Right along the latter part of the war.
- Q Where did you go? A Come back here to Fort Gibson.
- Q Where were they living when you left them, you was grown? A I was a big girl.
- Q Do you know? A No sir I don't know the name of the place.
- Q What direction from the town of Tahlequah? A I told you it was north, I guess.
- Q Who did you live with after you left Paris? A I lived here at Fort Gibson with my grand mother until I married.
- Q What was your grand mother's name? A Sarah Paris.
- Q Is she alive? A No sir.
- Q Who did you marry? A Eph Humphries.
- Q Where did you marry him? A Right at Fort Gibson.
- Q Had the war closed then? A Just along about the last of the war.
- Q Who married you to him? A I can't tell you his name, I think he is dead, I don't know where he is, his name was Martin.
- Q What become of you after you married Eph Humphries? A I can't answer all them questions.
- Q Where did you live, you and Eph? A At Gibson.
- Q How long did you live there? A I couldn't tell you.
- Q I must know that, it is absolutely necessary for me to know that you must give me your best judgment? A I am doing the best I can.
- Q What is your best judgment of how long you and Eph lived there and what you did. Did you live on a farm? A Yes sir.
- Q On whose farm? A A man by the name of Gunter.
- Q What was his first name? A I don't know.
- Q Is he living or dead? A I don't know that.
- Q Did he have any family? A I don't know all that, my husband rented the farm.
- Q Did you know any of the neighbors or Gunter? A No sir.
- Q What direction did you live from Fort Gibson? A I lived out east out this way somewhere below town.
- Q How far below town? A About a mile I guess.
- Q Who owns that place now? A I don't know.
- Q Do you know whatever become of this man Gunter? A No sir.
- Q Did you ever see him afterwards? A Not after we moved from the farm.

- Q How long did you stay on the farm? A I don't know, four or five years maybe.
- Q Is that your best judgment? A Yes sir.
- Q Where did you go then? A Moved back up there to Park Hill at the Wooster place.
- Q How long did you live near Park Hill? A I don't know how long we stayed there.
- Q About how long, give me your best judgment? A I reckon five or six years, as near as I can remember.
- Q Where was the eldest child Mary born? A Born upon the branch on the creek from Fort Gibson.
- Q Before or after the war? A I don't see how I could have any children before the war.
- Q Was it after the war? A Yes sir.
- Q Where was this next one born, Anna James? A I had one child born at Gibson.
- Q Was that Mary or an older one? A An older one.
- Q Where was Mary Dean born? A Upon the creek.
- Q Where was Anna born? A Upon the creek.
- Q They were both born then before you went to Park Hill after the war? A No sir not both born before I went to the Wooster place near Park Hill; one was born after I left the Wooster place down to a place they called Dr. Brown's place, down in there below Murrills.
- Q How far was that from the Wooster place? A About five miles.
- Q Who was living on the Wooster place when you went there after the war? A Colored folks, Humphries family Doc and Bill, there wasn't any white folks living there.
- Q Any white folks living around there? A Yes sir.
- Q What? A Dr. Hitchcock was our nearest neighbor there.
- Q He lived there after the war? A Yes sir and Foreman.
- Q What Foreman? A Stephen Foreman.
- Q He was living there after the war? A Yes sir on his own place.
- Q When did you go to Kansas first after the war? A I couldn't tell you when it was.
- Q About how long after the war? A I couldn't tell you.
- Q Your best judgment? A I couldn't tell you how long it was after the war to save my life.
- Q I must know your best idea about it because I don't know? A I can't tell you just what year it was.
- Q About how long after the war was it? A I moved over from Park Hill upon the creek and went from there to Kansas.
- Q Upon what Creek? A Fourteen Mile Creek.
- Q And you went from there to Kansas? A Yes sir went to see my mother.
- Q Did your husband go with you? A Yes sir.
- Q Did your children go with you? A Yes sir of course.
- Q How many children did you take up there with you? A Two of them.
- Q What were their names? A Mary and Anna the first time I went.
- Q What place in Kansas did you go? A Went to Parsons where I lived, went to Emporia where my mother lived and came back to Parsons.
- Q How long did you stay at Emporia? A Just went to see my mother not long.
- Q About how long? A May be four or five months.
- Q And came from there to Parsons? A Yes sir.
- Q And there you bought a house? A No sir, I didn't Johnson is the man that had the house down there, we didn't buy a house, when we first came there we rented.



- Q You had married again had you? A No sir.
- Q Who was this man Johnson you was talking about, what had become of Eph Humphries? A If you make me tell Eph and I parted.
- Q Where? A At Emporia.
- Q While you was living there with your mother? A While I was there on a visit.
- Q And you took up with a man by the name of Johnson? A Not right away I never.
- Q How long after you and Eph parted? A Eph and I went back together again.
- Q At Emporia? A Yes sir.
- Q How long did you live together before you separated again? A I couldn't tell you, just like all other colored folks, fighting and scratching all of the time.
- Q I have got to know something about how long, give us your best judgment? A We lived together long enough to have two more children.
- Q You and Eph? A Yes sir.
- Q There at Emporia? A No my children were not born at Emporia.
- Q Where were they born? A One born in Parsons.
- Q Where was the other one born? A Just travelling up and down the road like I told you before, first there and then in the Territory.
- Q Where was that other one born, in Kansas? A In Parsons.
- Q Where did you and Eph separate? A I told you we separated at Emporia and went back together again.
- Q Where did you separate the second time? A At Emporia.
- Q How long was your second separation after your first one? A I never kept count, I don't know.
- Q Three or four years? A No sir I don't suppose it was that long.
- Q Two years? A Maybe it was.
- Q Then you took up with a man by the name of Johnson? A After Eph died I did.
- Q Where did Eph die? A At Emporia.
- Q Do you know when he died? A No sir.
- Q Do you know how long ago he died? A No sir.
- Q Haven't you got the faintest idea in the world about any date? A I don't know anything about the dates.
- Q Do you know whether Eph died 20 or 30 or 40 years ago? A I don't suppose it has been 40 years.
- Q Do you suppose it has been 30? A No sir, I don't think it has been that long.
- Q What is your best judgment? A May be 20 years I don't know.
- Q After that you married this man Johnson did you? A I lived with Johnson.
- Q Where did you take up with him at? A In Parsons.
- Q Did you own a home there? A He owned a place there.
- Q How long did you live with Johnson? A I lived with him until he died.
- Q When did he die? A It has been, I don't know, May be 15 years, I don't know.
- Q About how long? A I said may be 15 years.
- Q About how many years did you live with Johnson? A May be 10 years, I don't know.
- Q In Parsons? A Yes sir.
- Q Did you have any children by Johnson? A Yes sir.
- Q What are their names? A They are dead.
- Q How many did you have by him? A I had two.
- Q Where did they die? A They died in Parsons.
- Q What street did you live on in Parsons? A I don't think the streets are numbered when we were there.

Q Were they named? A I don't know the names but it was west of the depot.

Q How far? A Not very far.

Q But you lived there about ten years with Johnson? A I guess so.

Q Did Johnson die there? A Yes sir, we had moved down here.

Q Where did he die? A He died in Parsons, we moved down here and lived here between the rivers two or three years.

Q Was that when you first moved here between the rivers, you and Johnson? A Yes sir.

Q That was the first time you had moved here between the rivers? A Yes sir between these rivers here.

Q How long did you stay here? A We made about three crops.

Q And then you went to Parsons? A Yes sir and he died and I came back here.

Q How long after he died did you come back? A That same fall, he died and have been here ever since.

Q Mary's name is Mary Dean, isn't it? A Yes sir.

Q Where is she living now? A Here in the Creek Nation, her husband is a Creek.

Q Was she ever married before she married this man? A No sir.

Q She never had anybody else for a husband until she married this man? A She might have had a man but never had married.

Q She never had any children except by this man? A She had one Joe.

Q Where did Joe die? A Down here in the Creek Nation.

Q Where was Anna married? A She was married here in the Creek Nation.

Q Is her husband a Creek? A Yes sir.

Q Both Creeks? A Yes sir, two brothers.

Q Married two brothers did they? A Yes sir.

Q Then the first time you moved down here in the forks of the Grand and Arkansas Rivers was long after you had married Johnson and just before Johnson died, is that what you say? A Yes sir.

Q About how many years ago was that? A I couldn't tell you Mr. Hastings.

Q Your best judgment? A We made three crops down here before we went back, and went back and then come back again.

Q How many years ago was that? A I don't know.

Q Was it as much as ten years ago? A I reckon as Mr. Hastings.

Q Is that your best judgment? A Yes sir it is.

Q Did your mother die in Emporia? A Yes sir.

Q Did your step-father die up there? A No sir he died in the Cherokee Nation.

Q But Joe Riley was there with your mother? A Yes sir.

Q And Joe Riley was at Emporia with his father to? A Yes sir.

Q He had always lived there after the war hadn't he up until the time you was up there? A I guess so.

Q You saw him there didn't you? A I saw him when I went.

Q He was a good size boy? A Yes sir.

Q About how old when you went there? A I don't know.

Q Grown? A No sir.

Q But he was living there with his father and mother? A Yes sir.

Q And that was some eight or ten years after the war? A Yes sir.

Q And he had always lived there? A Yes sir, I guess as, you see I wasn't with him.

THOMAS BROWN, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Jennie Beck.
- Q Where do you live? A On Fourteen Mile Creek.
- Q What is your post office? A Melvin.
- Q About how old are you? A I couldn't tell, I was born the next year the oldsettlers come to the country.
- Q You are about 70 you think? A I expect so.
- Q Do you know Nancy Humphries? A Yes sir.
- Q How long have you known her? A Ever since she was born.
- Q Where was she born? A This side of Cincinnati about three miles.
- Q Where is Cincinnati? A It is across the line, but we were in the nation.
- Q She was born in the nation was she? A Yes sir.
- Q Across the line about three miles from Cincinnati? A Yes sir.
- Q How large a girl was Nancy at the beginning of the war? A About twelve years old.
- Q Was she a slave? A Yes sir.
- Q To whom did she belong at the beginning of the rebellion? A Old Bob Paris.
- Q Was old Bob Paris living when the war began? A No sir.
- Q Then who did Nancy belong to? A The heirs of old Bob Paris.
- Q Was Bob Paris a Cherokee Indian? A Yes sir.
- Q Where did Nancy go during the war? A She was down to Gibson during the war.
- Q Where were you? A I was there to and stayed there.
- Q Never did go out of the Cherokee Nation? A No sir.
- Q Who owned you at the beginning of the war? A The same people, I was born and raised with the Paris.
- Q Is your name on the 1850 roll? A I guess so, it ought to be.
- Q Have you been enrolled by this Commission? A Yes sir enrolled at Gibson.
- Q When did Nancy leave the Cherokee Nation? A I just couldn't tell the time, she went off to see her mother.
- Q Where was she in 1864 and 1867? A At Gibson.
- Q How long after the war was it you think when she went up to Kansas? A I couldn't tell you just what year she went.
- Q About how long do you think? A I couldn't tell you I don't know.
- Q Where did Bob Paris live when the war broke out? A He was dead.
- Q Where was the Bob Paris place? A Five miles east of Tahlequah he is buried up there.
- Q Was Nancy Humphries living five miles east of Tahlequah when the war broke out? A No sir we were up at Beatty's prairie then with George Paris.
- Q She was up there when the war began? A She was at Beatty's prairie, yes sir.
- Q Living with George Paris? A Yes sir.
- Q When did she come down to Fort Gibson? A During the war, I was there and they come down there.
- Q Did she ever live with a man named Foreman? A Yes sir, she stayed up there, she didn't belong to him, she just stayed there.
- Q What Foreman? A Stephen Foreman.
- Q When was that? A Before the war.
- Q Do you know where Nancy was married? A She was married at Gibson.
- Q How long after peace was made? A I just don't know, I don't remember.



- Q About how long? A I just couldn't say, I don't tell nothing but what is so, but she was married at Gibson after peace.
- Q Do you know when she went to Kansas? A Yes sir, but I don't know the year.
- Q How long do you think it was after the war? A I couldn't tell because I ain't got no learning.
- Q Do you know how long she stayed up there in Kansas? A No sir.
- Q Did she stay 2 years or 25 years? A She didn't stay that long.
- Q Do you know where Nancy was living when the 1880 roll was made? A No sir.
- Q Was she in Kansas then? A Might have been, I don't know.
- Q Can you explain why it is that Nancy is not on any of the rolls outside of the Kern-Glifton? A I don't know nothing about the rolls.
- Q Where was you living in 1880? A Gibson.
- Q How long did you continue to live there? A All my time for about 20 or 25 years or more.

BY MR. HASTINGS:

- Q About how long before the war did old man Bob Paris die? A Just three years.
- Q Then Nancy was taken by George Paris up to Beatty's prairie? A Yes sir and no too.
- Q On which side of Beatty's prairie did George Paris live? A The far side.
- Q The north side? A Yes sir, on the east side.
- Q Do you know where that town Hayesville is? A Yes sir.
- Q How far from Hayesville was it? A Twelve miles.
- Q It wasn't on Beatty's prairie then was it? A No sir on Long prairie.
- Q Was that the George Paris on Long Prairie that had you? A Yes sir.
- Q Did you know any of the Becks up there? A Yes sir, Ellis, Joe, and Luke.
- Q There is where you was living when the war come up? A Yes sir.
- Q And there is where Nancy was living? A Yes sir.
- Q During the war you said she come down with her grand-mother to Fort Gibson. What was her grand-mother's name? A Sarah Paris, my mother and her grand-mother.
- Q She is your sister's child? A Yes sir.
- Q You never testified for this woman before the Kern-Glifton roll did you? A No sir.
- Q You never have testified for before, have you? A Yes sir down at Gibson.
- Q About? A I don't know what time, I believe at that Kern roll.
- Q What was Nancy's first husband's name? A Eph Humphries.
- Q Where did she marry Eph? A At Gibson.
- Q Was that before or after the war? A In time of the war, before peace.
- Q What was while the war was going on? A Yes sir.
- Q And then she went from there to Kansas did she? A No sir she stayed here for years after that.
- Q About how long after she married Eph before she went to Kansas? A I couldn't say what year.
- Q I want to know about how long? A I don't know.
- Q Your best judgment? A It might have been seven years or something like that, I don't know.
- Q Could it have been a year? A Longer than that.
- Q Could it have been two? A I suspect it was six or seven years or more.

- Q Is that your best judgment? A Yes sir.  
 Q Do you know Mary Dean? A Yes sir.  
 Q Where was she born? A On fourteen Mile Creek.  
 Q Where was her next child, Anna, born? A I don't know, she was away from me then.  
 Q In Kansas? A I expect so, I don't know.  
 Q Where did she go from Fort Gibson? A Webster place there at Park Hill.  
 Q How long did she stay at Park Hill? A I never noticed.  
 Q Who did she live with at Fort Gibson before she married Eph?  
 A She stayed with me and mother.  
 Q And after she married Eph she stayed with you? A She stayed with Eph's mother.  
 Q What was her name? A Dinah.  
 Q How long has she been back here this last time. She married in Kansas again didn't she? A I don't know.  
 Q Did she have a man named Johnson up there? A I don't know.  
 Q When did you see her back here this last time? A It has been a good while.  
 Q Your best judgment, have you seen her three years? A Longer than that.  
 Q Ten years, four years, or six? A It might have been longer, might have been that much.  
 Q Has she been back here five years? A I expect longer than that.  
 Q Six? A It might have been six.  
 Q Is that your best judgment? A Yes sir, because I don't know.  
 Q That is when she come back from Kansas? A Yes sir, she lived at Wagoner I don't know how long.  
 Q Is that where she first come from Kansas? I don't know.  
 Q From five or six years after the war up until five or six years ago, she lived in Kansas, did she? A I expect so.  
 Q Is that your information? A That is all I knew about it, I didn't follow them about, I don't know.

JAMES PARIS, being first duly sworn, testified as follows:

BY THE COURT:

- Q What is your name? A James Paris.  
 Q What is your age? A About 37.  
 Q What is your post office address? A Malvin.  
 Q Do you know Nancy Humphries? A Yes sir, I ought to.  
 Q How long have you known her? A Ever since I could recollect, we were raised together.  
 Q Where were you living at the beginning of the war? A We lived up in Gaingunake District.  
 Q Near what place? A About old Fort Wayne they called it.  
 Q Who owned you at the beginning of the war? A Bob Paris.  
 Q Was Bob Paris living when the war broke out? A Oh sir, I was living with one of his daughters.  
 Q Where was the old Bob Paris place? A Right up here in Tahlequah District.  
 Q Close to Tahlequah? A About five miles this side.  
 Q You was not living there at the beginning of the war? A No sir.  
 Q Where was Nancy Humphries when the war began? A She was up there some place.

- Q Near old Fort Wayne? A Yes sir.  
 Q And you was living with one of Bob Paris's daughters? A Yes sir.  
 Q What was her name? A Leathy.  
 Q Leathy what? A Foreman.  
 Q What was her husband's name? A Joe Foreman, he was dead at that time.  
 Q Did Leathy Foreman have any children at that time? A Yes sir, two.  
 Q What was their names? A Bob and Salina.  
 Q Are they both living? A No sir.  
 Q Is either of those children living? A I don't know.  
 Q Is Leathy? A No sir.  
 Q Where did you go during the war? A Here in the nation.  
 Q Didn't go to Kansas? A No sir.  
 Q Stayed right here all of the time? A Yes sir.  
 Q Where did you stay? A Up there where I told you, Goingsmake District.  
 Q Stayed up in Goingsmake District all of the time during the war? A No sir not all during the war.  
 Q Were you a soldier? A No sir.  
 Q Do you know where Nancy Humphries went during the war? A Yes sir, she was here at Fort Gibson, she was up there awhile and then came to Fort Gibson, she was here until the war was ended, never did go anywhere else until afterwards.  
 Q When was it she went to Kansas? A That was along about '70 I reckon, as near as I can recollect.  
 Q How long Mr. Paris did she remain in Kansas? A I suppose she was there about three years, I don't know exactly how long, could not tell you.  
 Q Where was she married? A At Gibson.  
 Q When? A Couldn't say exactly along about just before peace I guess, I wasn't right there when she married, it was along about that time.

BY MR. HASTINGS:

- Q With whom was Nancy living when the war broke out? A She was living with a man named George Paris.  
 Q Where were they living? A Just in the same District, only it was a place called Long Prairie.  
 Q And there is where she was living when the war broke out? A Yes sir.  
 Q During the war did she go to Fort Gibson? A Yes sir.  
 Q And there she married Eph Humphries? A Yes sir.  
 Q Did you ever see her at Fort Gibson yourself? A Yes sir.  
 Q When? A Along about when I first went to Gibson, it was in '60, I believe it was.  
 Q After the war? A Yes sir just after peace.  
 Q Was she married then? A Yes sir.  
 Q Might have been about 1860 then? A About that I reckon, somewhere along there.  
 Q Did she have any children born down there? A Yes sir.  
 Q What? A Mary Dean.  
 Q The other one was born in Kansas? A One was.  
 Q She left Fort Gibson about 1870 and went to Kansas with Eph Humphries? A Yes sir.  
 Q And Eph lived and died there? A Yes sir, they went up there to see her mother.  
 Q To Emporia? A Yes sir.  
 Q Parsons? A I don't know what other name.

- Q You know they went to Napieria? A Yes sir.
- Q Eph died there in Kansas Didn't he? A I suppose he did.
- Q Wasn't she married to a man named Johnson up there? A I think so.
- Q Didn't they move to Parsons and live and keep house a number of years? A They lived in the Creek Nation here.
- Q Did they live at Parsons? A I don't know.
- Q When did you see them this last time back down here after she made this trip to Kansas. Eph never did come back with them?
- A No sir.
- Q Do you know how long he lived after he went up there? A No sir.
- Q Do you know how many children she had born in Kansas? A No sir, only that one.
- Q Don't you know that she had two or three that were born up there and died and were buried there? A She aint got no dead ones there that I know of.
- Q You don't know anything about it do you one way or the other?
- A She hasn't got no children dead, she aint got but five and they are living.
- Q If she swears it, you don't know about that? A No sir I don't know it.
- Q You aren't prepared to dispute it? A No sir.
- Q Do you know about her marrying this man Johnson in Kansas? A I don't think they married.
- Q Did you hear about it? A Yes sir.
- Q Did you hear about them owning property in Parsons? A No sir.
- Q You don't know about it one way or the other? A No sir.
- Q How many years has she been back here the last time? A I don't know.
- Q Five or six? A Longer than that, something about ten or twelve years, must be.
- Q Is that your best judgment? A The best judgment I can give you on that.
- Q Your testimony is that she left her alone about 1870 and come back ten or twelve years ago? A Yes sir.
- Q And that her husband Eph died in Kansas? A Yes sir.
- Q And that she married again in Kansas? A Yes sir.
- Q You say she has five children? A Yes sir.
- Q Were all of them born in Kansas with the exception of Mary? A No sir, some born here in the Creek Nation.
- Q Which ones were born in the Creek Nation are you certain about that? A A No I am not certain, I have her word for it, she has lived right here in the Creek Nation.
- Q How many children did she have when she come back here? A She only had three.
- Q Has she some young children now? A The youngest one is about 17 maybe I guess.
- Q That one was born in Kansas? A No sir he was born here.
- Q You said she hadn't been back here but about ten or twelve years?
- A I said about.
- Q Then you don't know where he was born? A No sir.
- Q You haven't seen her back here until about ten or twelve years ago?
- A No sir I didn't see her when she first come, I lived up near Melvin and I heard of her down to Fort Gibson.
- Q But you never saw her to know that she was here of your own knowledge until about ten or twelve years ago? A Yes sir.



Q And you were just guessing at these years? A It has been about that long.

This case was here continued until November 14, 1904, by agreement

-----oOo-----

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct copy of his stenographic notes thereof.

(Signed) H. M. Vance

Subscribed and sworn to before me this 27 day of December, 1904.

(Signed) Charles H. Sawyer

(SEAL)

Notary Public.

Maggie Kennedy, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 29 day of December 1904.

Charles H. Sawyer  
Notary Public.

Cherokee Freedmen D-32.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, I.T., November 14, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Anna Jones, et al., as Cherokee Freedmen.

On October 13, 1904, the applicant was notified by registered mail and on October 25, 1904, the attorneys for the Cherokee Nation were notified by mail that the application of Anna Jones for the enrollment of herself and her minor children as Cherokee freedmen, would be taken up by the Commission to the Five Civilized Tribes at its offices in Muskogee, Indian Territory, on the 14th day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration. Receipt has been acknowledged of the Commission's letter.

Now on this 14th day of November, 1904, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

-O-O-O-O-O-O-O-O-O-O-O-O-

H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above cause on the 14th day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H. M. Vance*

Subscribed and sworn to before me this 15 day of December 1904

*Charles H. Sawyer*  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY,  
DECEMBER 21, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Mary Dean and Anna Jones as Cherokee freedmen.

APPEARANCES:

For Applicants, Masterson Peyton.  
For Cherokee Nation, J. B. Davenport.

NANCY HUMPHRIES, being first duly sworn, testified as follows:

BY MR. PEYTON:

- Q What is your name? A Nancy Humphries.  
Q Where do you live? A Here in Muskogee.  
Q Where were you born and raised? A In the Cherokee Nation.  
Q About how old are you now? A I don't know, I am 58 or '9, I don't know.  
Q State whether you are the mother of Mary Dean and Anna Jones? A I am the mother of them.  
Q Where were Mary Dean and Anna Jones born? A In the Cherokee Nation.  
Q Did you go from the Cherokee Nation up to Kansas? A Yes sir.  
Q State whether you took Mary Dean and Anna Jones with you to Kansas? A Yes sir.  
Q State how old Mary Dean was when you went to Kansas? A I don't know, she was 5 or 6 years old, she was a little bit of thing.  
Q State when you went to Kansas as near as you can? A I don't know how long it has been since I went to Kansas.  
Q You have no education? A No sir.  
Q You haven't kept any record of the years and months? A Yes sir.  
Q You stated awhile ago that Mary Dean was about 5 or 6 years old when you went to Kansas? A Yes sir.  
Q How old do you think Mary Dean is now? A I don't know sir, I have no idea how old she is now.  
Q How old was Anna Jones when you went to Kansas? A She was my baby nursing.  
Q Where did you first live in Kansas? A Parsons where I first stopped.  
Q About how long did you live at Parsons? A I don't know sir, it might have been a year, and might not have been so long.  
Q Where else did you live in Kansas? A I went to Emporia, Kansas, and stayed awhile.  
Q About how long did you stay at Emporia? A 5 or 6 months I reckon.  
Q State whether you then returned to the Indian Territory? A I come from Emporia back to Musk Parsons. and from Parsons down to the Territory.  
Q Where did you stop in the Territory? A Between the rivers.  
Q Which rivers? A Arkansas and Verdigris.  
Q In the Cherokee Nation? A No sir, that was the Creek Nation, the first place I stopped.  
Q How old was Mary Dean when you came back to the Indian Territory?  
A Well I don't know how old she was just a little bit of a thing.  
Q You mean Anna Jones? A She was my baby. Mary was small and Anna was my baby.  
Q How long did you stay in the Indian Territory when you came back the first time? A I stayed here, been here all the time.

- Q But you went back to Kansas, didn't you? A Yes sir, just went back a little while and come right back again.
- Q How many crops did you make in the Indian Territory before you went back to Kansas? A About three I think.
- Q Then what point did you go to in Kansas? A Went back to Parsons.
- Q About how long did you live at Parsons? A I didn't stay there long, I come right back down here.
- Q You say you have lived here ever since? A Yes sir.
- Q About how old was Mary Dean when you came back to the Indian Territory to live the last time? A I don't know, I never kept no count.
- Q About how large a girl was she? A About this high (indicating about 3 1/2 feet).
- Q About how old was Anna Jones when you came back to the Territory to live the second time? A I don't know how old she was, 8 or 9 years old, maybe not that old, I don't know, I never kept no count of their ages at all.
- Q About how old was Mary Dean when Anna Jones was born? A I think 3 years between their ages, I think.
- Q State whether Mary Dean was ~~more~~ more than 15 years old when you came back to the Territory the last time to live? A No sir, she was less than 15 I think.
- Q State whether Anna Jones was more than 10 years old when you came back to the Territory to live the last time? A No sir, I don't think she was, she might.
- Q State whether Mary Dean and Anna Jones have lived in the Indian Territory ever since you came back from Kansas this last time? A Yes sir.
- Q You are the same Nancy Humphries that has heretofore testified in this case? A Yes sir.

BY MR. DAVENPORT:

- Q Did you go out of the Nation during the war? A No sir.
- Q When did you go out of the Nation, the Cherokee Nation I am speaking of? A Way after the war.
- Q About when? A I don't know how long it has been since I went.
- Q You went first you say to Parsons? A Yes sir.
- Q And you stayed in Parsons how long? A I don't know how long.
- Q Did you take Mary and Anna with you to Parsons? A Yes sir.
- Q When you went from Parsons to Emporia what did you do with them? A Taken them with me.
- Q How many years did you live in Emporia, Kansas? A I don't think I stayed there a year, just went there to see my mother.
- Q You know how long you stayed there. You know old Captain Anderson who lived in Emporia and contractor? A No sir.
- Q Do you know T. W. Sedgwick, a lawyer who lived there in the latter part of the '80's, afterwards moved to Parsons and became General Attorney for the M. K & T.? A I don't know him. What did you say his name was?
- Q Tom Sedgwick? A I don't know him.
- Q Can you tell me how long you stayed at Emporia? A I reckon it was a year.
- Q Your mother lived there? A Yes sir.
- Q What was her name? A Mary Riley.
- Q She lived there until her death? A Yes sir, she died there.
- Q Your father was Joe Riley? A That was my step father.
- Q He lived with Mary at Emporia until his death? A Yes sir.
- Q You were his step daughter and lived in the family and you and Humphries were married up there at Emporia? A No sir, married at Fort Gibson.
- Q When you came back from Parsons to Emporia how long did you stay? A Not very long.
- Q And you then moved back to the Creek Nation? A Yes sir.

- Q How long did you stay in the Creek Nation before you went back again? A I only went back once after the first time I come from there.
- Q Have you ever been back or lived in the Cherokee Nation since you moved to Kansas and lived at Parsons and Emporia? A No sir, just come there and stayed awhile.
- Q Where does Anna live now? A She lives here now.
- Q Where had she been living prior to the time of her coming here? A On Fourteen Mile Creek.
- Q Is she married? A Yes sir.
- Q When did she marry? A I don't know when she married.
- Q How many years ago, can't you approximate it, where was she living when she married? A She married here.
- Q In Muskogee? A Yes sir.
- Q She wasn't living on Fourteen Mile Creek when she married, was she? A No sir.
- Q Had Anna ever lived in the Cherokee Nation from the time you took them and went to Kansas up until the time she got married? A No sir.
- Q Where is Mary living at the present time? A Here.
- Q In Muskogee? A Yes sir.
- Q How long has she been living in Muskogee? A Been living here a good while.
- Q Has Mary ever lived in the Cherokee Nation since you took her and went to Kansas with her? A She has never had no home there.
- Q How long has it been since Mary got married? A I can't tell you these things cause I don't know.
- Q Which married first, Mary or Anna? A Mary of course.
- Q Each of them have two or three children, haven't they? A Mary has got two.
- Q And Anna three, hasn't she? A Yes sir.
- Q Where were those children born around here in the Creek Nation or in Kansas? A None of them born in Kansas.
- Q Did Anna marry in Kansas? A No sir, married here.
- Q Mary married in Kansas didn't she? A Her husband is a Creek citizen.
- Q Didn't Mary marry in Kansas? A She married here.
- Q Both married here in Muskogee? A Yes sir.
- Q And they are still living in the Creek Nation? A Yes sir.
- ON BEHALF OF THE COMMISSIONER:
- Q Where did you go from when you went to Parsons? A Home here on Three Mile Creek.
- Q Is that in the Cherokee Nation? A Yes sir.
- Q Were Mary and Anna both born then? A Yes sir.
- Q You took them both with you? A Yes sir.
- Q Where was Mary's children born, were either of them born in the Cherokee Nation? A Born in the Creek Nation.
- Q Was either of Anna's children born in the Cherokee Nation? A Born here.
- Q All of their children were born in the Creek Nation? A Yes sir.
- Q You can't remember how old Anna was when she returned to the Creek Nation out here between the Arkansas and Verdigris Rivers? A No sir, I don't know exactly their age, they were nothing but children.
- Q Has either of them lived in the Cherokee Nation since their return? A Anna has.
- Q Where? A On Fourteen Mile Creek.
- Q When, was that before or after her marriage? A After she was married.

- Q How long did she live there? A I don't know, she lived there up until I reckon it has been two or three years ago.
- Q Up until two or three years ago? A Yes sir, I don't think it has been any longer than that.
- Q Do you know about how many years she lived there? A No sir, I don't.
- Q Up until after she was married she never lived in the Cherokee Nation at all, because she lived here with you? A She was living with me all the time until she married.

W I T N E S S E X C U S E D.

MARY DEAN, being first duly sworn, testified as follows:

BY MR. PEYTON:

- Q Your mother is Mary Dean? A Yes sir.
- Q You are a daughter of Nancy Humphries? A Yes sir.
- Q Where were you born? A On Fourteen Mile Creek 1 where she told me, Cherokee Nation.
- Q State whether you remember when your mother moved to Kansas? A No sir, I can't state cause I don't know, I wasn't big enough to know.
- Q About how old are you now? A I couldn't tell you my age cause mother doesn't know it and I don't know of course.
- Q About what was your size when your mother returned from Kansas to the Indian Territory? A I don't hardly know, I was quite small.
- Q How long did you and your mother live in the Indian Territory the first time you returned from Kansas? A I don't know sir, I could not hardly tell, I wasn't big enough to remember how long it was. I don't know anything about it, I was too small.
- Q State, if you knew, how many crops your step father made while in the Indian Territory the first time? A I think he made one or two if I aint mistaken.
- Q Then you returned to Kansas with your mother? A Yes sir.
- Q How long did you live in Kansas that second time? A I believe we stayed there two years.
- Q Then where did you move to? A Back here to the Creek Nation.
- Q About what was your size when you moved back to the Creek Nation? A I was quite a good size girl.
- Q Old enough to work? A I wasn't old enough to do nothing but pick up a few corn stalks and lay around the field.
- Q Where did you first live when you returned to the Indian Territory? A Over between the rivers.
- Q Near what town? A Gibson Station was the nearest town then.
- Q How long did you live there? A Lived there a little while.
- Q About how many years? A I don't remember how many years it was, we lived there quite a while and then we moved on this side down on the Arkansas down on the Judge Cherry farm.
- Q How long did you live there? A I guess about 8 or 10 months.
- Q Then where did you move to? A Here to town and have been here ever since.
- Q How long after you came from Kansas before you were married? A I don't know sir, I guess it was sometime cause I was just a little but of a tot of a girl when we came down here.
- Q How many children have you? A Two.
- Q They live here in the Creek Nation? A Yes sir.
- Q Were you as much as 16 years of age when you came from Kansas to the Indian Territory? A No sir.
- Q State whether you have lived in the Cherokee Nation since you have returned from Kansas? A No sir.

BY MR. DAVENPORT:

- Q How long have you been married? A I couldn't hardly tell you how long I have been married.
- Q Were you married in Muskogee? A Yes sir.
- Q You have two children? A Yes sir.
- Q Had you married when you applied for enrollment in this case? A Yes sir.
- Q Were you married then? A Yes sir.
- Q Your husband lives in the Creek Nation? A Yes sir.
- Q You haven't lived in the Cherokee Nation since your mother went to Kansas with you years ago? A No sir.
- Q Do you remember when you and your mother were living at Emporia, Kansas? A Yes sir.
- Q Can't you recollect anything about that? A No sir.
- Q Can you remember when you were living in Parsons, Kansas? A Yes sir, I can remember that.
- Q Didn't you go to school at either of those places and learn to read and write? A Went to school precious little.
- Q You came from Kansas back to the Creek Nation? A Yes sir.
- Q And have continued to reside here ever since? A Yes sir.
- Q Don't you know about how old you are? A No sir, how do I know when mother doesn't know it.
- Q Where were you living when the Kern-Clifton roll was made? A Here in Muskogee.
- Q You hadn't married at that time? A Yes sir.
- Q You were married when the Kern-Clifton roll was made? A Yes sir.
- Q How long had you been living at Muskogee when that roll was made? A I don't know how long cause I didn't keep account of the years.
- Q Do you remember when you came, what year you came from Kansas back to the Territory? A No sir, I hardly do, I think it was somewhere along about between '81 and '82.
- Q That you came from Kansas back to the Territory? A Yes sir, the first time.
- Q When did you go back to Kansas again to live? A Somewhere along between '83 and '84, I don't know which.
- Q Well you are not on the 1880 roll? A 1880 Roll.
- Q Yes, the roll made 25 years ago? A I don't know whether I was or not.
- Q You applied to the Commission here for enrollment didn't you? A Yes sir.
- Q You know you were not on the 1880 roll didn't you? A No sir, I don't know nothing about the '80 roll.
- Q Have you any idea how old you are? A No sir.
- Q You are about, you are more than 25 ain't you? A I don't know sir, I couldn't tell you that.
- Q Well you have been married 13 or 14 years haven't you? A Yes sir.
- Q How long had you been back from Kansas before you married? A I don't know sir, I told you that.
- Q You got married right a way after you got back? A No sir, I didn't.
- Q Had to meet him and court him after you got back? A Of course I did, I didn't know him when I come back.

ON BEHALF OF THE COMMISSIONER:

- Q When you came back in 1881 or 1882 as you stated from Parsons, Kansas, did you locate with your mother out between the Arkansas and Verdigris Rivers? A Yes sir.
- Q That is in the Creek Nation? A Yes sir.
- Q Were both of your children born in the Creek Nation? A Yes sir.
- Q Their names are Gentry and Samuel? A Yes sir.
- Q Both living at this time? A Yes sir.
- Q You never have made your home in the Cherokee nation since you lived with your mother when she left the first time and went to Kansas? A No sir, just raised right here.

WITNESSES EXCUSED.



ANNA JONES, being first duly sworn, testified as follows:

BY MR. PEYTON:

- Q Your name is Anna Jones? A Yes sir.
- Q State whether you are a daughter of Nancy Humphries? A I am.
- Q About how old are you Anna? A About 32, I think, or 33, I don't know which, it is one of the two.
- ~~Q About how old were you when your mother moved from the Cherokee Nation to Kansas? A I don't remember.~~
- Q State whether you remember when your mother moved from the Cherokee Nation to Kansas? A I don't remember.
- Q State whether you remember living in Kansas? A I do in Parsons.
- Q About how old were you when your mother returned to the Indian Territory from Kansas? A I was a small girl, I don't exactly know my age, I don't remember of ever hearing my age at that time.
- Q How many years or seasons did your mother live in the Indian Territory when she returned the first time? A About three I think, if I make no mistake.
- Q Did she then return to Kansas? A Yes sir.
- Q About how long did she live in Kansas the last time? A About a year or two.
- Q Then did she return to the Indian Territory? A Yes sir.
- Q About what was your age when she returned with you to the Indian Territory the last time? A I don't know, I guess about 10 years old, of course I want say for sure, I was a small girl.
- Q State whether you have resided in the Cherokee Nation since you returned to the Indian Territory? A I have since I have been grown, not while I was a child. I spent about 3 years there since I was grown and married.
- Q At what point did you live in the Cherokee Nation? A About three miles up there from Melvin on Fourteen Mile Creek.
- Q Did you reside there all the time you lived in the Cherokee Nation? A Right there at the one place, it was my little place, of course, I have lost it, some one filed on it.
- Q Had you or your husband improved that place? A Well we didn't improve it, we got it from a cousin of mine. Of course we improved it some and had a box house on it.
- Q You bought the improvements that were already on it? A Yes sir, a little log house and about 18 acres in cultivation.
- Q State whether you and your husband bought that place with the intention of making your home in the Cherokee Nation? A I did.

Mr. Davenport: I object as to being incompetent, irrelevant and immaterial as to what their intentions were.

On Behalf of the Commissioner: Objection noted.

- Q State whether you stayed on that place all of the time that you were in the Cherokee Nation? A I did, the time that I lived there stayed right there on that place.
- Q Did you buy the improvements on that place for the purpose of making a home out of it?

Mr. Davenport: I object to it as being incompetent and immaterial.

On Behalf of the Commissioner: Objection noted.

- Q State whether you and your husband sold the place or whether it was allotted by some one else? A It was allotted by some one else.
- Q Was that the reason you gave it up? A Yes sir.



Q Why did you ~~him~~ leave the Cherokee Nation?

Mr. Davenport: I object to that, it is incompetent, irrelevant and immaterial as to why she left.

On Behalf of the Commissioner: Objection noted.

A I left there just simply because I wanted to.

Q Where did you move back to, Muskogee? A Yes sir, wasn't any need of my staying there, I had to get off.

Q It is a fact you moved out because you had to get off of it?

A Yes sir.

BY MR. DAVENPORT:

Q What year did you marry? A Along in '86 as near as I can remember, I married when I was quite young.

Q Where were you living at the time you were married? A Here in Muskogee.

Q How long had you been living here before your marriage? A I had been living here quite a while, a short time not exactly in town, out in the country.

Q From the time your mother had taken you and your sister and gone to Kansas you had never lived in the Cherokee Nation until after you had married? A Never had.

Q How long had you been married before you and your husband moved over to the Cherokee Nation? A We were married a long time.

Q What year did you move to the Cherokee Nation? A I don't remember.

Q It was subsequent to June 28, 1898, before you moved there? A It was right after the Kern-Clifton payment.

Q About how long after that payment? A I think it was the next year, I am not sure.

Q You lived there a few years and then you moved back to the Creek Nation? A Yes sir.

Q How long did you live in Emporia, Kansas? A I don't remember.

Q How long did you live in Parsons? A I won't dare say I was small when we came down here.

Q You remember coming to Parsons and living there? A I remember being there and remember living there.

Q You are now what age? A 32 or 33.

Q Your mother moved back from Kansas about 1890 didn't she? A She moved back before that.

Q What year did she come back then? A I don't know exactly I was small. We came back in about '80 somewhere, I won't say for sure I was quite small.

Q You don't mean to say your mother has been living in the Cherokee Nation since 1880? A I won't say I was small then.

Q How is it neither of you girls can remember any dates nor ages. Didn't you go to school in Kansas? A Yes sir, a little bit, never got any higher than the first reader in my life.

Q The only time you have lived in the Cherokee Nation at all since your mother took you away you say is what little time you and your husband lived over there in the Cherokee Nation? A Yes sir.

Q And that was some years after you were married before you moved over there? A Yes sir.

Q Don't you know the year you were married? A In '86, somewhere along there.

Q That is about 19 years ago? A Yes sir, somewhere along there, it has been quite awhile since I was married.

Q Who was your first husband? A Sam Jones.

Q Have you had a second husband? A I have.

Q What is his name? A John Bean.

- Q How was it Jones or Dean you lived with in the Cherokee Nation?  
A It was Sam Jones.  
Q Where is he? A Somewhere in the Cherokee Nation.  
Q These are his children? A Yes sir, those three children are Sam's.  
Q Is he a Cherokee freedman or State man? A State man.  
Q Where are the children? A They are with him.  
Q And you and Dean are living here in Muskogee now? A Yes sir.

BY MR. PEYTON:

- Q In examining the card rolls I see they have you and your sister Mary Dean both down as age 29 in 1901? what is the difference in your ages? A There is a year or two differences in our ages, of course I am the youngest. All we know is what my mother gave me. She has a very poor recollection herself, all I can tell is what she gave me.

BY MR. CHAVENPORT:

ON BEHALF OF THE COMMISSIONER:

- Q Which is older you or Mary? A Mary.  
Q Your children, Nancy, George and Ida May are now living? A Yes sir.  
Q Nancy is not married? A No sir.  
Q Your husband's full name John Dean? A Yes sir.  
Q Is he a citizen of the Cherokee nation? A No sir, citizen Creek Nation.  
Q When were you and he married? A 1902.  
Q What month? A August 31.  
Q You and he are living together now? A Yes sir.  
Q Who drew your Ken-Clifton money? A I drew it myself.  
Q About how long after you drew your money was it before you moved to the Cherokee Nation? A If I make no mistake about the next year.  
Q You think it was about the next year that would be 1897? A Yes sir, somewhere along there.  
Q Then how many years did you live there? A About three years.  
Q Did you own your place there? A I did.  
Q You live on it? A I did.  
Q Where was Nancy born? A Muskogee.  
Q George? A Muskogee.  
Q Ida? A Muskogee all of them Muskogee.  
Q When your mother returned from Kansas she stayed out between the Arkansas and Verdigris Rivers? A Yes sir.  
Q You lived there with her? A I did.

This case was here continued by agreement until January 4, 1906, at two o'clock P. M.

-----oOo-----

Geo. H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*Geo. H. Lesley*

Subscribed and sworn to before me this 2nd day of January, 1906.

*Myron White*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

A. F. M.  
J. D.

In the matter of the application for the enrollment of  
Nancy Humphries et al., as Cherokee Freedmen, consolidating the  
applications of:

Nancy Humphries, et al.,	Cherokee Freedmen D	30
Mary Dean, et al.,	"	31
Anna Jones, et al.,	"	32.

-1-

D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Nancy Humphries for herself and minor children, Thomas and William Humphries; by Mary Dean for herself and minor children, Gentry and Samuel Dean; and by Anna Jones for herself and minor children, Nancy, George and Ida May Jones.

The evidence in this case shows that the applicant, Nancy Humphries, was the slave of a Cherokee citizen at the commencement of the rebellion, and that she continuously resided in the Cherokee Nation from her birth until about the year 1870, when she, with her husband, one Eph Humphries, removed to Emporia, Kansas, where the said Eph Humphries died about the year 1879, and that thereafter she married one Johnson, a non-citizen of the Cherokee Nation, and removed to Parsons, Kansas, where she resided until about the year 1890, when she removed to the Creek Nation, Indian Territory, and has since continuously resided therein.

The evidence does not show that Eph Humphries, deceased, possessed any rights to Cherokee citizenship, but in view of the facts established by the evidence in this case it is considered by the Commission that whatever rights he may have possessed as a citizen of the Cherokee Nation, together with those of his wife, the said applicant, Nancy Humphries, were forfeited under Section II, Article I, of the Cherokee Constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; . . . ."

The evidence further shows that the applicants, Thomas and William Humphries, Mary, Gentry and Samuel Dean and Anna, Nancy, George and Ida May Jones, were born since 1866, are descendants of the said Eph Humphries, deceased, and the said applicant, Nancy Humphries, and possess no rights to enrollment as Cherokee freedmen other than as such descendants. Excepting the Kern-Clifton roll, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of the Commission.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Nancy Humphries, Thomas Humphries, William Humphries, Mary Dean, Gentry Dean, Samuel Dean, Anna Jones, Nancy Jones, George Jones and Ida May Jones, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). *Jams Bixby.*  
\_\_\_\_\_  
Chairman

(SIGNED). *I. B. Needles.*  
\_\_\_\_\_  
Commissioner

(SIGNED). *C. R. Brackinridge.*  
\_\_\_\_\_  
Assistant

McAfee, Indian Territory,  
JUN 16 1905  
this \_\_\_\_\_

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., January 4, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARY DEAN and ANNA JONES as Cherokee freedmen.

APPEARANCES:

For Applicant, Masterson Peyton.

For Cherokee nation, James S. Davenport.

The hearing in this case was continued by agreement between the Attorneys for the applicant and Cherokee Nation, from December 21, 1905, to January 4, 1906, at which time the following proceedings were had.

TENNESSEE CLARK, being first duly sworn, testified as follows:

BY MR. PEYTON:

- Q Your name is Tennessee Clark? A Yes sir.
- Q Where do you live? A Between the river, known as Marshall Town.
- Q Between what rivers? A Between the Arkansas and Verdigris.
- Q How long have you lived in the Creek Nation? A All my days.
- Q How old are you now? A 54.
- Q State whether you knew Nancy Humphires, the mother of Anna Jones and Mary Dean? A Yes sir, I know her.
- Q Do you know Anna Jones and Mary Dean? A Yes sir.
- Q How long have you known them? A I judge it to be about 24 years since I knewed them.
- Q Where were they living when you first knew them? A They came from Kansas, and stepped on the adjoining farm to me and located there.
- Q State whether you were living then at the same place you are living now? A I am living in town now but my farm is out there, I moved from there about three months ago to town.
- Q State whether Anna Jones and Mary Dean came to the neighborhood where you live with their mother? A Yes sir.
- Q You understood their mother was Nancy Humphires or Nancy Johnson?
- A Yes sir, Nancy Johnson when I knew her.
- Q Have they or either of them made any statement as to where they come from to that neighborhood, that is Mary Dean or Anna Jones or Nancy Johnson? A Nancy Johnson said they came from Kansas.
- Q State as near as you can when they came to that neighborhood? A I couldn't tell you only I think my oldest girl was about 10 or 11 when they came there.
- Q How old is your oldest girl now? A 34.
- Q State whether you have seen Anna Jones and Mary Dean and Nancy Johnson today? A I didn't see them until I got out of the cab there.
- Q They are out here in the hall now? A Yes sir.
- Q State whether they are ~~identical~~ identical the same people?
- A Yes sir.
- Q That came to your neighborhood about 24 years ago? A Yes sir.
- Q State as near as you can the age of Mary Dean when her mother brought her and Anna Jones to your neighborhood? A I judge Mary Dean to be about 12 and Anna about 9, they were pretty near the size of my children, that is I thought them to be, they played at my house every day.



- Q In answer to a former question you spoke of the age of one of your children, but didn't say anything about the age of the other, which child do you refer to now? A That is Willie Clark but he isn't living now, he is dead.
- Q State whether Mary Dean was older or younger than your oldest child? A I think she was a little older, I don't know her age at all but I think she was a little older than my girl.
- Q Was she larger or smaller? A She was a little larger, still they were near one size, wasn't much difference you know.
- Q State whether she was under 18 years of age at that time? A Yes sir, she was under 18, she was a little girl about that high.
- Q How many feet is that? A I don't know (indicating about 4 feet). She was small when she came there.
- Q State just how you fix the probable age of Anna Jones? A Well I taken her age by my boy, they were together all the time and I used to joke them and say she was his girl, they were near the size and I think she was maybe about 9.
- Q Your boy was about 9? A Yes sir.
- Q How old did you say he would be if living now? A 32.
- Q How long did Nancy Humphries and Mary Dean and Anna Jones live in that neighborhood? A I couldn't tell you, quite awhile, the children had grewed some but they were not of age, and they moved from there, I don't know where they were then but I have seen their mother in Muskogee lots of time, if they went out of the Nation the second time, I don't know anything about that.
- Q What is your best recollection as to the number of years they remained up there? A I would not like to say, I like to tell the truth, I don't know.
- Q Do you think it was 4 or 5 years? A Yes sir, about that I guess, maybe a little longer.
- Q State whether Mary Dean and Anna Jones were full grown women when they left that neighborhood? A No sir, they were not.

BY MR. DAVENPORT:

- Q Can you tell me the year that Nancy Johnson and her children moved from Parsons to the Creek Nation? A No sir.
- Q Can you remember the year when the general strike was on the M. K. & T. Railroad? A No sir.
- Q Do you remember when Alexander Lewis robbed the train at the Verdigris bridge? A No sir, not the year but I remember the time.
- Q I will ask you if it wasn't in 1888? A I don't know the year but heard it was robbed, that is all.
- Q You remember there was a number of people taken to Fort Smith as witnesses in that case and the case was pending there until the latter part of the '90's until it was disposed of? A I don't know.
- Q I will ask you if at the time of that train robbery if Nancy Johnson was living in that community? A I don't know.
- Q I will ask you if it isn't a fact that Dan Williams, a porter on the train on the railroad was living in Parsons and Nancy Humphries was living there as his wife? A I don't know about that.
- Q You can't tell what year it was they left Kansas? A No sir.
- Q You know they came from Kansas to the Creek Nation? A Yes sir.
- Q Had you known them before that? A No sir.
- Q Did you know the oldest girl, Mary, had been living with a man as his wife by the name of Samuel Jones before she came here? A No sir, I don't know anything about it.
- Q The fact you don't know anything about when they came from Kansas, do you know as to years? A No sir.
- Q And you don't know anything about the age, of your own knowledge? A No sir.
- Q You were only judging about the size of the girls? A No sir.



BY MR. PEYTON:

Q You didn't know any other husband of Wancy Humphries or Johnson excepting the husband that came there with her? A No sir.

ON BEHALF OF THE COMMISSIONER:

Q Do you know where Wancy went when she left there? A No sir.

Q Do you know where Mary has been living since that time? A No sir.

Q Do you know where Anna has been living since then? A I think she lived at Wagoner awhile after she married, she married a man named Sam Jones, Anna did, she lived in Wagoner with him.

BY MR. PEYTON:

Q Do you remember anything about the date of the robbery he speaks of? A No sir.

Q How when Anna Jones came to that neighborhood you say she was only about 9 year of age? A Yes sir, when she first come there, some say they went back to Kansas but I don't know nothing about that.

Q When she left your neighborhood had she ever been married? A No sir.

Q How old was she when she left your neighborhood? A I don't know.

Q How large was she? A A good size girl about that high (indicating about 4 1/2 feet), I don't know, she was just a girl when she left my neighborhood.

Q Was Mary Dean still a girl when she left there? A Yes sir, I would taken her for a girl. I know my child was a girl for I had her in school.

Q At that time? A Yes sir, I had her in school at Parsons.

Q How old was your girl when they left? A I don't know just exactly when they left and I think my girl was at Parsons, and she was in Parsons school at 12 years old.

Q How long did your girl go to school at Parsons? A She didn't stay long, she taken sick at Parsons and I brought her home and put her in Tallahassee mission and she graduated there.

Q She never went back to Parsons? A No sir.

W I T N E S S E X C U S E D .

The Attorneys for the applicants and the Cherokee Nation announce that they have no further testimony to introduce in this case, the same will be closed and a decision rendered on the evidence heretofore introduced.

-----oO-----

Geo. H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*Geo. H. Lesley*

Subscribed and sworn to before me this 11th day of January, 1906.

*Chas. E. Hebert*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Mary Dean, et al., as Cherokee freedmen, consolidating the appli-  
cations of:

Mary Dean, et al.,  
Anna Dean, et al.,

Cherokee freedmen n 31  
Cherokee freedmen n 32

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Mary Dean for herself and minor children, Gentry and Samuel Dean, and by Anna Jones for herself and minor children, Nancy, George and Ida May Jones.

The records further show that on June 16, 1905, the Commission to the Five Civilized Tribes consolidated the applications of Nancy Humphries for herself and minor children, Thomas and William Humphries; Mary Dean for herself and minor children, Gentry and Samuel Dean, and Anna Jones for herself and minor children, Nancy, George and Ida May Jones, for enrollment as Cherokee freedmen, and rendered its decision therein denying said applicants the right to enrollment as Cherokee freedmen, and that thereafter on December 1, 1905, (I.T.D. 7758-1905) the Department approved said decision insofar as it denied the application for the enrollment of Nancy, Thomas and William Humphries as Cherokee freedmen, and remanded said case to this office for further hearing and readjudication as to all the other applicants. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, December 21, 1905, and January 4, 1906. The testimony taken at Muskogee, Indian Territory on December 21, 1905, shows that Anna Jones prior to September 1, 1902, was married to one John Dean, and she will now be listed for enrollment as Anna Dean.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicants herein, Mary Dean and Anna Dean, are descendants of Eph and Nancy Humphries and claim the right to enrollment as Cherokee freedmen as such descendants; that they were born in the Cherokee Nation since 1866, and resided therein from the date of their births until about the year 1870, when they were taken by their

parents to the state of Kansas, where they continued to reside until about the year 1890, and neither owned nor controlled any property in the Cherokee Nation. The Commission to the Five Civilized Tribes on June 16, 1905, found that the said Eph and Nancy Humphries by their removal from the Cherokee Nation in 1870, and their continued residence in the state of Kansas, forfeited under section II, Article I of the Cherokee Constitution which in part provides:

"whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease. . . . ."

whatever right they may have possessed to Cherokee freedmen citizenship, and on December 1, 1905, (I.T.D. 7758-1905) its finding was approved by the Department.

It is considered that the principal applicants herein, Mary Dean and Anna Dean, forfeited, with their parents, under the provisions of section II, Article I of the Cherokee Constitution above noted, any right they may have possessed to Cherokee freedmen citizenship, and that the minor applicants, Gentry and Samuel Dean, and Nancy, George and Ida May Jones, children of the said principal applicants, born since their said parents forfeited their right to Cherokee freedmen citizenship, neither claim nor possess any right to enrollment not possessed by their said parents. Excepting the Kern-Clifton roll, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS THEREFORE ORDERED AND ADJUDGED: That under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495) Mary Dean, Gentry Dean, Samuel Dean, Anna Dean, Nancy Jones, George Jones and Ida May Jones are not entitled to enrollment as Cherokee freedmen and their applications for enrollment as such are accordingly denied.

  
\_\_\_\_\_  
Commissioner.

Dated at Muskogee, Indian Territory

this JAN 18 1907

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**  
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Anna Jones,

Melvin, Indian Territory,

Cherokee F-D-32

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Shoshone Freedmen  
K-11-12.

Mustang, Indian Territory, June 23, 1906.

W.E. Hastings,

Attorney for the Shoshone Natl Co.,  
Bullock, Indian Territory.

Dear Sir:

In the matter of the applications for enrollment of Nancy Humphries et al., Mary Dean et al., and Anna Jones et al. as Shoshone Freedmen, you are advised that before a final decision can be rendered in these cases it will be necessary that further testimony be introduced as to the residence of Nancy Humphries since the close of the war of the rebellion, and as to the residence of the other principal applicants since their births.

The applicants have accordingly this day been directed to appear before the Commission at its offices in Mustang, Indian Territory, at nine o'clock A. M. on Friday, July 13, 1906, and introduce testimony as above indicated. The Shoshone Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Chairman.



Cherokee Freedmen  
D. 35.

Muskogee, Indian Territory, June 25, 1904.

Anna Jones,

Muskogee, Indian Territory,

Dear Madam:

In the matter of your application for the enrollment of yourself and others as Cherokee Freedmen, you are advised that before the Commission can render a final decision in your case it will be necessary that further testimony be introduced as to the residence of your mother, Nancy Humphries, since the war of the rebellion, and as to your residence since birth.

You are therefore hereby directed to appear before the Commission, at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Friday, July 15, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.



Cherokee Freedman

D-12.

Muskogee, Indian Territory, August 10, 1904.

Anna Jones,

Muskogee, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the residence of your mother, Nancy Humphries, since the close of the war of the rebellion, and as to your residence since birth.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, September 19, 1904, and introduce the testimony of such witnesses as you may be able to procure touching on the points above mentioned.

Respectfully,

Register,

Commissioner in Charge.

COPY.

Cherokee Freedmen

P-351

Muskogee, Indian Territory, June 16, 1908.

Anna Jones,

Muskogee, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself, et al., as Cherokee freedmen, together with a copy of the Commission's decision dated June 15, 1908, rejecting, among others, your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and opinion. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 8-101.  
Register.

Wm. D. D. Dixey  
Chairman.

COPY.

Cherokee Freedmen

No. 10, et. al.

Muskogee, Indian Territory, June 16, 1906.

Hall, Hastings & Newnport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1906, rejecting the applications for the enrollment of Nancy Humphries, et al., as Cherokee Freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. B-100.

Very

Yours Truly,

Chairman



COPY

Charities Freedmen  
D-30, 1st 21

Rocky Mountain, Indian Territory, June 16, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Henry Humphries, et al., as Charities Freedmen, including the Commission's decision dated June 16, 1908, rejecting said applications.

Respectfully,

SIGNED: *Tamie Dixie*

Chairman

WEL. 5-103,

Through the

Commissioner of Indian Affairs.

Land  
47207-1905

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

June 24, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Nancy Humphries for herself and her minor children, Thomas and William Humphries; by Mary Dean for herself and her minor children, Gentry and Samuel Dean; and by Anna Jones for herself and her minor children, Nancy, George and Ida May Jones.

June 16, 1905, the Commission decided adversely to all the applicants.

The record shows that Nancy Humphries was the slave of a Cherokee citizen at the beginning of the war of the rebellion, and that she continuously resided in the Cherokee Nation from her birth until about the year 1870 when she with her husband, one Eph Humphries, removed to Emporia Kansas, where Eph Humphries died about the year 1879; that thereafter she married one Johnson a non-citizen of the Cherokee Nation and removed to Parsons, Kansas,

where she resided until about 1890, when she removed to the Creek Nation, Indian Territory, and has since continuously resided therein.

The record does not show that Eph Humphries, deceased, possessed any rights to Cherokee citizenship. The record further shows that the other applicants were born since 1866, are descendants of Eph Humphries and Nancy Humphries and possess no rights to enrollment other than as such descendants. None of the applicants is identified on any Cherokee roll except the Kern-Clifton.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully

M.M.M.

E. F. Larabee  
Acting Commissioner



D.C. 54448-1905

L.T.D. 7756-1905  
LRS

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

Y.P.  
L.L.B.

December 1, 1905

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

girls:

June 24, 1905 (Land 47207), the Indian Office submitting the case involving the application by Nancy Humphries for herself and minor children, Thomas and William Humphries, by Mary Dean for herself and minor children, Gentry and Samuel Dean, and by Anna Jones for herself and minor children, Nancy, George and Ida May Jones, for enrollment as Cherokee freedmen, recommended that the decision of the Commission to the Five Civilized Tribes of June 16, 1905, adverse to the applicants, be concurred in.

The Commission found that Nancy Humphries, through whom the other applicants claim, was a slave of a Cherokee citizen at the commencement of the rebellion, and that she continuously resided in the Cherokee Nation from her birth until about 1870, when she with her husband, Eph Humphries, a noncitizen, removed to Kansas, where he died about the year 1878, and that thereafter she married one Johnson, a noncitizen of the Cherokee Nation, and continued to reside in Kansas until about the year 1880, when she removed to the Creek Nation.

Referring to the law of the Cherokee Creek Nation which provides that "Whenever any citizen shall remove with his effects out of the limits of this nation, and become a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease," the commission held that Nancy Humphries forfeited her rights as a citizen of the Cherokee Nation, and that the other applicants born since 1866 possessed no rights to enrollment as Cherokee freedmen other than as her descendants.

The question as to whether Mary Dean and Anna Jones left the Cherokee Nation as minors and returned while minors does not appear to have been seriously considered.

The decision of the Commission as to Nancy, Thomas, and William Humphries is found to be correct and is hereby affirmed.

There is considerable testimony to show that Mary Dean and Anna Jones were born in the Cherokee Nation, possibly several years after the end of the civil war, and that they were taken to Kansas by their parents and were brought back to the Indian Territory--Creek Nation and possibly first to the Cherokee Nation--sometime prior to 1890. Just when it is impossible to tell as the testimony is very conflicting as to dates in this particular and in other respects.

Mary Dean was married, it is alleged in her statement on April 9, 1901, soon after her return to the Indian Territory. Her oldest child, Gentry Dean, was born about 1886. See also as to Anna Jones's children.

On October 13, 1904, the Commission notified the principal applicants that their case would be taken up for further consideration November 14, 1904 and that then they could introduce further testimony. No appearance was made by any of them.

In order, however, that no injustice may be done, and as apparently a thorough effort was not made to ascertain the exact facts as to the date of the birth and the time of the return to the Indian Territory of Mary Dean and Anna Jones, a rehearing is ordered for that purpose as to them and their children, after which you will adjudicate their cases.

The testimony and papers attached thereto and a copy of the Indian Office letter is inclosed.

Respectfully,

(Signed) THOS RYAN  
First Assistant Secretary

2 inclosures

Through the Commissioner  
of Indian Affairs.

Cherokee  
F D 31-32.

Muskogee, Indian Territory, January 15, 1906.

Masterson Peyton,

Attorney for Mary Dean, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings had at Muskogee, Indian Territory, on January 4, 1906, in the matter of the application for the enrollment of Mary Dean et al., as Cherokee freedmen.

Respectfully,

Incl. GL-25.

GHD

Commissioner.

Cherokee F.  
D-31

Muskogee, Indian Territory, January 18, 1907.

Mary Dean,

Muskogee, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 18, 1907, rejecting, among others, your application for the enrollment of yourself and children, Gentry and Samuel Dean, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. H-64  
JMH

Register.

Commissioner.

Cherokee F.  
D-11 et al.

Muskogee, Indian Territory, January 18, 1907.

Masterges Peyton,

Attorney for Mary Dean, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 18, 1907, rejecting the applications for the enrollment of Mary Dean, et al., as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Paul H. H.

Commissioner



Cherokee F.  
Hill et al.

Muskogee, Indian Territory, January 18, 1907.

V. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 18, 1907, rejecting the applications for the enrollment of Mary Dean, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. B-65  
JMK

Commissioner.

Muskogee, Indian Territory, January 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Mary Dean, et al. (D-31 et al), as Cherokee freedmen, together with the decision of the Commissioner, dated January 18, 1907, denying the applications for the enrollment of Mary, Sentry and Samuel Dean, Anna Dean, Nancy, George and Ida May Jones as Cherokee freedmen.

On December 1, 1906 (I.T.D. 7758-1906), the Department remanded this case to this office for rehearing and readjudication.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.

Wm. H. Hall  
JWH

LAND.  
7537-1907.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

COPY.  
February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of December 1, 1905 (I.T.D. 7758), there is enclosed a report from Commissioner Bixby, dated January 18, 1907, transmitting the record relative to the application of Mary Dean, et al., for enrollment as a Cherokee freedmen.

On June 16, 1905, the Commission to the Five Civilized Tribes consolidated the applications of Mary Dean and her minor children, Sentry and Samuel Dean and Anna Jones and her minor children Nancy, George and Ida M. Jones for enrollment as Cherokee freedmen.

On January 18, 1907, the Commissioner held that the applicants were not entitled to enrollment.

The decision of the Commissioner adverse to the applicants has been examined and found to be correct and the same is recommended for approval.

Very respectfully,

HRD-AIK.

Acting Commissioner.

W.H.M.  
J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

IRS.  
D.C. 12639-1907.

I.T.D.

5694, 5712, 5714, 5716,  
5726, 5748, 5808, 5822,  
5824, 5836, 5880, 5882,  
5886, 5888, 5870, 5772,  
5880, 5910, 5912, 5934,  
5942, 5946, 5948, 5950,  
5984, 5960, 5970, 5972,  
5996, 5998, 6000, 6002,  
all 1907.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of your letter of transmittal.
Moses Hardrick, et al. (freedmen),	February 13, 1907.
Alexander M. Anderson,	February 21, 1907.
William Patrick,	February 19, 1907.
Lucena Arreta Hinojosa,	February 12, 1907.
Neoma Worley Hicks, (freedman),	February 12, 1907.
James McQuinn,	February 2, 1907.
George W. Hill,	February 15, 1907.
Iydia M. Ward, et al. (freedmen),	February 12, 1907.
Mary E. Ocker,	February 8, 1907.
Charlotte E. Laughlin, et al.,	February 21, 1907.
Jessie Lee Eagon, et al.,	February 15, 1907.
Jeddyh Henson,	February 14, 1907.
John Earl Redfearn, et al.,	February 15, 1907.
Minnie L. Peace, et al. (freedmen),	February 12, 1907.
Clark E. Garmey,	February 19, 1907.
George E. Freeman (freedman),	February 19, 1907.

Title of Case.	Date of your letter of transmittal.
Mary J. Graybeard,	February 8, 1907.
Sarah Briggs, et al.,	January 17, 1907.
Alveto Flemings, et al. (freedmen),	February 12, 1907.
Tyre Finley (freedman),	February 12, 1907.
Clarence Landrum, et al (freedmen),	February 14, 1907.
Minnie E. Powell,	February 14, 1907.
B. H. Flourney,	February 2, 1907.
Sarah J. Martin,	February 14, 1907.
Elizabeth Coleman,	February 8, 1907.
Marie Christine Binn,	February 16, 1907.
Ella Hill (freedman),	February 16, 1907.
Jane Langley,	February 6, 1907.
Frances Elizabeth Forbes,	February 12, 1907.
Isabelle J. Paris,	February 9, 1907.
Clarence Hill, et al. (freedmen),	February 12, 1907.
Mary Dean, et al. (freedmen),	January 18, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

22 enclosures, and  
70 enclosures to Ind. Of.,  
with carbon hereof.

A. F. No.  
5-2-07.



Shoshone P.  
P. 21.

COPY

Malheur, Indian Territory, March 22, 1907.

Mr. Tamm,

Malheur, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner of the Five Civilized Tribes, dated January 28, 1907, rejecting the application for the enrollment of yourself and minor children as Choctaw freedmen, was affirmed by the Secretary of the Interior, March 2, 1907.

Respectfully,

WILLIAM T. TAMM  
Commissioner.

Enclosure 2.  
J. A. M.

COPY

Mustang, Indian Territory, March 28, 1907.

Mustang, Indian Territory,

Attorney for Mary Jones, et al.,

Mustang, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 18, 1907, rejecting the applications for the enrollment of Mary Jones, et al., and Anne Jones, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental Decision referred to.

Respectfully,

SIGNED *James B. Bly*

Commissioner

Encl. B-104

JAM

March 7,  
1907

COPY

Washington, Indian Territory, March 28, 1907.

Hastings, Texas.

Attorney for Mary Jones, et al.,

Washington, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 18, 1907, rejecting the applications for the enrollment of Mary Jones, et al., and Isaac Jones, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED *Wm. Bixby*  
Commissioner.

Wm. Bixby  
JMB

Cherokee v.  
R 574 et al.

COPY

Muskogee, Indian Territory, March 22, 1907.

W. V. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of Moses Hardrick, et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED *Thomas Bixby*.  
Commissioner.

Encl. C-30  
LMC

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

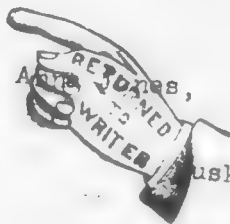
1904



REGISTERED

AUG 17 1904

MUSKOGEE, IND. TER.



REGISTERED,  
AUG 17 1904  
WRITER

Muskogee, Indian Territory.

MUSKOGEE, IND. TER.



Department of the Interior.  
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

*Return*

No. 20787



Anna Jones,

1759

Muskogee, Indian Territory.

Cher Fr R 830

Trans. from Cher Fr D 32

Cher Fr R 830

( C O P Y )

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Ft. Gibson, I. T. , April 9, 1901.

In the matter of the application of Mary Dean for the enrollment of herself and two children as Cherokee Freedmen.

Mary Dean , being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A. Mary Dean.  
Q How old are you? A. I am along about 29 I expect.  
Q What is your post office? A. My post office is Muskogee.  
Q What district do you live in? A. My district is Tahlequah district, but I have been living in Muskogee; my husband is a Creek citizen and I am living on his place.  
Q What is your husband's name? A. His name is Jack Dean  
Q Do you apply to be enrolled as a Cherokee Freedman? A. Yes sir  
Q Did you ever apply to be enrolled as a freedman in any other nation or tribe? A. No, sir.  
Q Have you always been recognized as a Cherokee freedman?  
A Always to my knowing.  
Q Is your name on the Cherokee rolls? A. I expect it is, it ought to be.  
Q Who do you want to enroll besides yourself? A. Two children.  
Q What are their names? A. Gentry Dean.  
Q How old is he? A. He is 15.  
Q The next one? A. His name is Samuel, 8 months old.  
Q What was your father's name? A. His name is Ephriam Humphries  
Q Is he living? A. No sir  
Q What is your mother's name? A. Nancy Humphries  
Q Is she living? A. Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

- Q Did you draw money in 1894, the strip payment? A. Yes, sir.

The Kerns-Clifton pay-roll examined, and the applicants found thereon, pages and numbers as follows:

Mary Dean on page 110, No. 2750, Tahlequah District  
Gentry Dean on page 110, No. 2749, Tahlequah district,  
as Gentry Humphries.

- Q Is his name Humphries or Dean? A. It is Dean; my mother enrolled him is why it is given in that way  
Q Where were you born? A. Here on 14 mile Creek; that is where my mother said I was born.  
Q How long have you lived in the Cherokee Nation? A. I can't tell you that.  
Q Where do you live now? A. I live in Muskogee, on my husband's place.  
Q How long have you lived there? A. I guess five or six years, on my husband's place.  
Q Where was Gentry born? A. He was born here in the Cherokee Nation.  
Q Where was Samuel born? A. He was born here in the Cherokee Nation.  
Q You don't know how long have you lived in the Creek Nation; about how long? A. About five or six years I suppose.

- By E. W. Hastings, attorney for Cherokee Nation: Where were you when you were old enough to first remember; four or five or six years old? A. Here in the Territory.
- Q Where? A. Up on 14-mile Creek, as near as I can come at it.
- Q Who were you living with up there? A. My mother.
- Q Was your father living? A. Yes, sir, he was living then, but he is dead now.
- Q Who were your neighbors up there? A. Julia Paris.
- Q Who else? A. Uncle Joe Brown and all those.
- Q Any Cherokees living up there? A. I don't know sir, whether there was or not, I can't hardly remember, I was so young.
- Q You moved away from there when you were quite young? A. Yes, sir.
- Q Where did you go? A. Mama first taken us to Kansas and then brought us back.
- Q What town in Kansas? A. Parsons.
- Q You lived in Parsons all the time you were in Kansas? A. Yes sir lived there awhile and then came back here.
- Q Where did you come to in the Cherokee Nation when you came back?
- A I don't hardly know where I did come to.
- Q You didn't come to 14 mile Creek? A. No, sir.
- Q Well, what part? A. I can't tell.
- Q Why can't you tell; you claim that you lived up in Parsons a while; you ought to know where you came back to when you came back? A. I can't remember my mother telling me; she first came to Gibson station, and then came across; we lived over there somewhere close to Clingan.
- Q How long did you live over there? A. I don't know sir, I didn't keep count; I can't give you any idea.
- Q Where were you married? A. I was married in Muskogee.
- Q How long have you been living over there when you were married?
- A I hadn't been there any time, I guess maybe a year or perhaps longer.
- Q Was this oldest child born in Muskogee? A. Yes, sir.
- Q And you have been living there ever since? A. No I haven't been living over there ever since.
- Q The oldest child was born in Muskogee? A. Yes sir.
- Q Where have you been living since that time, outside of Muskogee?
- A I lived first in one place and then another; first Wagoner, and then backwards and forth; of course, I haven't been in Muskogee all that time; of course I have to live where he lives.
- Q Where has he been living? A. He is in the Creek Nation on his own place.
- Q You have lived in the Creek Nation ever since you were married?
- A Yes sir, ever since I was married; I am telling you just like it is.
- Q How long have you lived in Kansas? A. I don't know sir.
- Q About how many years? A. I can't tell you that, about how many years, because I was too young.
- Q You came from Kansas down to Muskogee? A. No sir, we didn't.
- Q You never have lived in the Cherokee Nation since you came back from Kansas? A. No sir, not that I know of.
- Q And you went up in Kansas when you were too young to remember?
- A I don't know whether I was too young to remember.
- Q Well, you don't remember anything about before going there?
- A Not hardly.
- Commissioner Needles: You came from Kansas right to Muskogee?
- A No sir.
- Q You came to Gibson and then went to Muskogee? A. No sir, we lived between the rivers several years, between the Arkansas and the Verdigris.

Mary Dean et al.--3

Mr. Hastings: Over in the Creek Nation? A. Yes, sir.

Commissioner Needles: That is a fact? A. Yes sir.

Q You went from Kansas to the Creek Nation and your husband is a Creek, and you have been living with him ever since you were married? A. Yes, sir.

Q You went to Kansas when you were a child? A. Yes, sir.

Mr. Hastings: Your mother was up there in Kansas? A. Yes, sir, else how could I have been there.

Q She has been with you all the time? A. Yes, until I married.

Q She has been living in Muskogee ever since? A. She is living on one of my husband's places now.

Q She has been there ever since you married? A. Not exactly, she has been with one of my sisters over in the Cherokee Nation some.

Commissioner Needles: The name of Mary Dean cannot be found upon the authenticated roll of 1880 or the census roll of 1896. It is found on the Kerns-Clifton pay-roll. The name of her child Gentry is found on the Kerns-Clifton payroll, but cannot be found upon the census roll of 1896. She avers that she has one younger child, named Samuel, 8 months of age. She makes no satisfactory proof of its birth. It will be necessary to file with this Commission evidence as to its birth. By reason of the fact that her name is not found on the roll of 1880, and the further fact that her citizenship is not fully established, reference is hereby made to the testimony, and her name is placed upon a doubtful card.

Reference is also made to the testimony of her mother Nancy Humphries, on D. card No. 30, and it is suggested that in the case of Nancy Humphries that the testimony of Mary Dean be taken into consideration, her name appearing upon D card No. 31.

.....)

Bruce C. Jones, being duly sworn says that as stenographer to the Commission to the five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) BRUCE C. JONES

Sworn to and subscribed before me this the 9th of April, 1901.

(Signed) T. B. NEEDLES  
Commissioner

Lucy M. Bowman, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the foregoing copy and that the above and foregoing is a full true and complete copy of the original transcript.

*Lucy M. Bowman*

Subscribed and sworn to before me this 24th day of January 1906

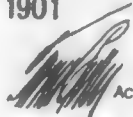
*B. P. Rasmussen*  
Notary Public.



41031

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
APR 9 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 9 1901

Post Office Muscogee

District Tahle

1. Name

Owner's name

Year Page

No.

District

Age

Citizenship

Parents:

Father

Citizenship

Mother

Citizenship

(1) Name of wife Mary Dean

Age 29

Owners name

Citizenship

Year K.C. Page 110

No. 2750

District Tahle

Parents:

Father

Ephraim Humphries

Citizenship

Colored

Mother

Mary Humphries

Citizenship

Names of Children:

3. Gentry Dean

Year K.C. Page 110

No. 2749 Dist. Tah

13

4. Samuel "

Year Page

No.

Dist.

8 months

5.

Year Page

No.

Dist.

6.

Year Page

No.

Dist.

7.

Year Page

No.

Dist.

8.

Year Page

No.

Dist.

9.

Year Page

No.

Dist.

10.

Year Page

No.

Dist.

11.

Year Page

No.

Dist.

12.

Year Page

No.

Dist.

Application made by

Es (1)

Stenographer

Jones B. B.

(2) on K C Roll on "Gentry Humphries"

(4) affidavit of Birth to be filed

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T., April 9, 1901.

In the matter of the application of Anna Jones for the enrollment of herself and three children as Cherokee Freedmen.  
Anna Jones, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Anna Jones.  
Q How old are you? A I am 32 years old.  
Q What is your boat office? A Melvin.  
Q What district do you live in? A Tahlequah district.  
Q Do you apply to be enrolled as a Cherokee Freedman? A I do.  
Q Have you ever applied to be enrolled as a Freedman of any other nation or tribe? A I have not.  
Q Have you always been recognized by the Cherokee authorities? A Yes, sir, as far as I know.  
Q Does your name appear on the Cherokee roll? A On some of them, not all.  
Q Is your name on the 1890 roll? A No, sir, I don't know what it is.  
Q Who do you desire to have enrolled besides yourself? A I have three children.  
Q What are the names of your children? A Nancy Jones.  
Q How old is Nancy? A She is 13.  
Q What is the next one? A Georgia, 11.  
Q The next one? A Ida May.  
Q How old is Ida May? A She is 8.  
Q What is your father's name? A Rob Humphries.  
Q What is your mother's name? A Nancy.  
Q The 1890 authenticated roll of Cherokee Freedmen examined and the name of the applicant not found thereon.  
Q The 1890 census roll of Cherokee Freedmen examined and the name of the applicants not found thereon.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A Sam Jones.  
Q Is he a citizen? A No, sir.  
Q Where were you married? A In Muskogee.  
Q How long have you lived in Muskogee? A I don't know exactly. I have lived there a year or two, I don't hardly think two years, something over a year.  
Q Where did you live before that? A At Gibson Station, I think it was.  
Q How long did you live there? A I didn't stay there very long, my husband worked on the section and we went from place to place.  
Q Where did you live before that? A I came from Parsons.  
Q Parsons, Kansas? A Yes, sir.  
Q Where were you born? A Tahlequah district, and I don't remember when we went to Parsons. I was a small girl when I came back.  
Q You came back from Parsons to Gibson station? A Yes, sir.  
Q After you were married or before? A Before I was married.  
Q How long since you came to Gibson station? A I was a girl when I came there, I was small.  
Q Who did you live with when you came to Gibson station? A My parents, my mother.  
Q Did you come down there when your sister did, Mary Dean? A Yes, sir, I did.  
Q Mr. V. V. Hastings, attorney for Cherokee Nation: You moved from Gibson station over to Muskogee? A Yes.  
Q Where did you say you were married, in Muskogee? A Yes, sir.  
Q You don't remember when you were taken out of the Cherokee Nation? A No, I was a baby.  
Q Between that and the time you married you never lived in the

A. 2

Q. Now, I want to ask you a question. You are now before the Cherokee National Council, are you not?

A. I live 12 miles from Melvin, up

the road. I am now before the council, and the applicant is now before the council, page 100, No. 2002, Coconino district.

George Jones on page 100, No. 2003, Coconino district; George Jones on page 100, No. 2004, Coconino district, as George Jones.

Q. Is this child a boy? A. Yes, sir, his name is George.

Commissioner Needles: The name of Anna Jones cannot be found upon the authenticated roll of 1880 or the census roll of 1880. She applies for the enrollment of herself and two children, Nancy and George, and their names are found on the Burns-Clifton pay-roll, according to page and number as indicated in the testimony. She avers that she has one child, Ida May, whose name does not appear upon said roll, having been born after the same was compiled. It will be necessary for her to file with this Commission satisfactory proof of the birth of Ida May. By reason of the fact that her name is not on the authenticated roll of 1880, and also of the facts stated in the testimony, final judgment will be suspended as to the enrollment of Anna Jones and her three children, as Cherokee Freedmen, and their names will be placed upon a doubtful card.

Reference is hereby made to the testimony of her mother, Nancy Humphries, on B. card No. 20, and also to the testimony of her sister, Mary Ann, on B. card No. 21.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 9th of April, 1901.

Commissioner

( COPY )

DEPARTMENT OF THE INTERIOR  
Commission to the Five Civilized Tribes,  
Ft. Gibson, I. T., April 9, 1901.

In the matter of the application of Nancy Humphries for the enrollment of herself and 2 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles she testified as follows:

- Q What is your name? A Nancy Humphries.  
Q How old are you? A. I am 50 years old, past.  
Q What is your post office? A. Muskogee, now, I am a widow woman and I have to work for a living.  
Q Well you have a post office if you do have to work for a living, is your post office Muskogee now? A. Yes sir.  
Q What district do you live in? A. Tahlequah.  
Q Are you a recognized citizen of the Cherokee Nation, Freedman?  
A Yes sir.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir  
Q Did you ever apply to be enrolled as a Freedman of any other nation or tribe? A. No sir.  
Q Who do you want to enroll besides yourself? A. Two boys  
Q How old is Thomas? A. He will be 21 next birth.  
Q Next boy? A. He is 15.  
Q What is his name? A Willie  
Q How old is he? A. He is 15.  
Q Were you born a slave? A Yes sir.  
Q What was your owners name? A. Bob Parris  
Q Was he a Cherokee? A. Yes sir  
Q How long have you lived in the Cherokee Nation? A. My home is in the Cherokee Nation now.  
Q Were you born in the Cherokee Nation? A. Yes sir  
Q Were you taken out during the war? A. No sir.  
Q Where were you during the war between the United States and the Confederacy? A. We was out in the woods most of the time.  
Q In the Cherokee Nation woods? A. Yes sir, in the Cherokee Nation  
Q Didn't go out? A. No other place.  
Q How long have you lived in Muskogee in the Creek Nation? A. I just work there until I got tired and then I come and live with my daughter.  
Q Your daughter live in the Cherokee Nation? A. Lives on 14 Mile Creek, yes sir.  
Q Are you married now? A. No sir, I am a widow woman  
Q How long has your husband been dead? A. I couldn't tell you, sir, how long he has been dead; he has been dead a long time.  
Q Have you lived in the Creek Nation all the time since your husband died? A. No sir, not all the time.  
Q You are just living backwards and forwards, working at Muskogee?  
A. Yes sir.  
Q What was your name before you were married to Humphries?  
A Parris  
Q What was your father's name? A. I couldn't tell you that.  
Q What was your mother's name? A. Mary Parris



Nancy Humphries et al. .

- Q Is your name on the authenticated roll of 1880? A. I guess so, I think so.
- Q Where was you in 1880, say 20 years ago? A. In Tahlequah I think; we lived at Park Hill over at Tahlequah.
- Q You sa. you were born a slave? A. Yes sir.
- Q Were you ever married before you married Humphries? A. No sir
- Q Did you ever go by any other name besides Parris or Humphries? A. Not as I know of.
- Q You know James and Cerena Parris? A. Yes sir, my uncle and aunt.
- Q Tom Humphriesthe name of this boy? A. Yes sir.
- Q You never went by any other name besides Nancy? A. No sir.
- Q You know Peter Humphries? A. That was my husband's nephew
- Q It is very strange that your name aint on that roll, you know why? A. No sir, it ought to be somewhere on there.
- Q Did you draw your Strip money? A. Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant and name not identified  
1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon, nor the names of her sons for whom she applies.

- Q You say you were never out of the Cherokee Nation? A. No sir,
- Q Never went to Texas or Kansas or Arkansas? A. No sir, don't know no more about Texas than a little bit of a baby.
- Q Did you draw your money yourself in 1894, on the strip payment roll? A. Yes sir, I did, draw myself.

Examined by Cherokee Representative, W. W. Hastings:

- Q Where do you live in ~~Tahlequah~~ the Cherokee Nation, in Tahlequah Dist.?
- A I live on 14 Mile Creek, but I used to live in Tahlequah, in the town of Tahlequah; Dick Humphries was my brother-in-law, and I lived there; he run a blacksmith shop.
- Q Where were you during the war? A. Right here in Fort Gibson.
- Q You staid here all during the war? A. No, not right in the town, they kept us children all hid out in the woods and the mountains most of the time.
- Q You were in Ft. Gibson just after the war were you? A. The war was going on when I come down.
- Q Where were you just after the war closed, in Fort Gibson?
- A Yes sir.
- Q How long did you live in Ft. Gibson then? A. I couldn't tell you. When I married I married here.
- Q You lived here up to the time you were married? A. Yes sir.
- Q How old were you when you were married? A. I couldn't tell you that; I can't really tell when.
- Q Well, you know about how old you were? A. I don't know sir
- Q Were you as much as 20 years old when you married? A. Yes sir, older too, I guess, maybe.
- Q Where did you live after you were married? A. I lived here part of the time, and then we moved over here to Park Hill
- Q South of Tahlequah? A. Yes sir, I guess south; we lived there awhile and then we moved into Tahlequah; we lived out there on Mr. Foreman's place,
- Q North of town? A. Yes sir. Right there back part of town.



Nancy Humphries et al. 3

- Q Who did you say you belonged to? A. Bob Parris  
Q How long have you lived in Muskogee? A. I just work over there;  
I am a widow woman.

By Com'r. Needles.

- Q How long have you worked there? A. Two or three years I guess  
often and on/ work until I get tired and then go up on the  
river here.

Examined by Cherokee Rep'v W. V. Hastings.:

- Q Where is your family? A. My boys are working over there.  
Q Keep house? A. No sir, stay with the people I work for mostly;  
of course they have a cook, and always furnish a room  
Q What did you say your husband's name was that died? A. Eph  
Humphries.  
Q You say you heard it was reported that you were dead?  
A Yes sir, somebody got out that report; I don't know who it was  
Examined by Cherokee Representative W.W. Hastings:

- Q You say you belonged to Bob Parris before the war? A. Yes sir  
Q In what district did Bob Parris live?  
A He lived between here and Tahlequah  
Q Did he have some children? A. Yes sir  
Q What were their names? A. One was named George; one was named  
Bob., after himself; and the women, one was named Lucy and one  
Liza and Gatsy I believe  
Q Are any of those people alive now? A. Not as I know of.

By Commissioner Needles:

- Q Didn't you go up to Kansas after the war? A. Yes sir.  
Q You said awhile ago you had never been to Kansas or Texas of  
Arkansas? A. I thought you said during the war.  
Q When did you go to Kansas? A. My mother was there.  
Q When was that? A. I couldn't tell you when it was.  
Q Was it after the war? A. Yes sir.  
Q Was you born in Kansas? A. No sir, I wasn't; I was a slave.  
Q What was your mother doing in Kansas? A. I couldn't tell you.  
Q Did she live there? A. I guess so  
Q Did she ever come back? A. No sir, she died.

Examined by Cherokee Rep'v W.W. Hastings:

- Q How you lived in Texas awhile? A. Never was in Texas in my  
life; don't know no more about Texas than a baby; right to-day  
I wouldn't know Texas if I would get in Texas.

DORCAS BUFFINGTON, being sworn and examined by Commissioner  
Needles testified as follows:

- Q Your name is Dorcas Buffington? Is it? A. Yes sir.  
Q You know Nancy Humphries? A. Yes sir.  
Q How long have you known her? A. I have been knowing her ever  
since she was a little girl; born at old Bob Parris, a  
Cherokee Indian.

Examined by Cherokee Rep'tve W. W. Hastings:

- Q Where did Bob Parria live? A. Old Bob Parria he lived in Goingsnake, right up where I used to live, between where I belonged and Cincinnati.
- Q Near Cincinnati, Arkansas? A. Yes sir, just right between the two places.
- Q Was that where this woman was living when the war come up?
- A She was living up here on---where Old Aaron Crittenden used to live; that's where she lived; her mother (master) died there.

Examined by Com'r Needles:

- Q What was her master's name? A. Old Bob Parria.

Examined by Cher. Rep. W. W. Hastings:

- Q Did this woman go south during the war? A. No sir, she was right here all the time when Mr. Humphries was. She was here until the war ended and she got to studying, just like many other darkies would, I want to see where my mother is and where my people is, and she went to hunt her; she went up into Kansas.
- Q When did she go to Kansas? A. I reckon it was about three or four years after peace was declared. When peace was declared they was right here in Gibson with me; we was all here together in Gibson.
- Q How long did she stay in Kansas? A. She can speak for herself; I didn't keep nobody's time.
- Q How long was she out of here? A. I don't know sir; she wasn't out of here so long, and if I was to say she was out 10 years I might miss it, so I aint going to say.
- Q Did you see her inside of ten years? A. Yes sir, I did; I know her raising and know who she belonged to and all about it.
- Q Did you testify for her before? A. No sir, I testified for Mrs. Jones.
- Q You didn't testify for her before the Kemms-Clifton Commission in 1896? A. No sir.
- Q Now Aunt Dorcas, here is your testimony? (Referring to book)
- A Well, then, I may have done it; I might have forgotten it, but I wouldn't lie.
- Q Didn't you say she went to Texas? A. No, she went to Kansas; she didn't go to Texas; she wasn't even carried there; she was right here when peace was declared.
- Q Now where has she been living for the last few years? A. She has been living at Muskogee.
- Q How long has she been living at Muskogee? A. She has been there a good many years.
- Q About how long? A. I can't tell you that. You might catch me in a lie, and I aint going to lie, be cause when I don't know anything I don't know it.
- Q Ten or fifteen? A. Well it might be, I can't say; when I was a slave they couldn't make me lie, and so I am not going to after I am free woman.
- Q Now, Aunt Dorcas, you lived thirty or forty miles from here when the war come up didn't you? A. No, she was right here in Gibson.---when the war come up, yes sir, she lived down there close to Aaron Crittenden's that's where her master died.
- Q How do you know she was living there when the war come up?
- A Because I went right by the house when I was going to Tahlequah and see his grave right before the door, and they told me he was buried there.
- Q But Aaron Crittenden's wasn't between where you lived and Tahlequah; it was on this side about five miles?

- A Aaron Crittenden's place was five or six miles this side of Tahlequah.
- Q Then you wouldn't go by Aaron Crittenden's place when you went up from near where you lived, near Cincinnati, to Tahlequah?
- A I was living on Fourteen Mile Creek when I went by 'Bob Parris'.
- Q Was you living on Fourteen Mile Creek when the war come up?
- A No sir, I was living in Goingsnake.
- Q How do you know she was living there when the war broke out, in '61, say? A. She was living down there somewheres down about Park Hill when the old man died he left them all free, and you know they jerked them all up in slavery, and they must have been living down there.
- Q How long before the war was it you saw her? A. Before the war all my days when she was a little girl she turned up right by my home, and you know niggers visiting one another they know all about one another; just like I tell you.

APPLICANT, NANCY HUMPHRIES, re-called, and further examined by Commissioner Needles, states:

- Q Now, Nancy how long did you live in Muskogee? A. I don't know sir.
- Q Well, about how long? A. Year or two I guess, often and on; go backwards and forwards from my daughters and work awhile, and I get tired and then I goback.
- Q How long have you been at that? A. A good while, I just don't keep count of all the months.
- Q Well you know about how many years? A. I don't know; I guess it has been maybe 2 years.
- Q Auntie Dorcas says you must have been over there 10 years?
- A No I don't know that I have been over there that long.
- Q Where is Thomas and Willie living now? A. They are over there; Tommie is working at the Hotel there.
- Q Was he born over there? A. No sir.
- Q How long has he lived there? A. He stays there with me, you know they are my two youngest children.
- Q Where is Willie? A. He is there.
- Q At Muskogee? A. Yes sir.
- Q Where were Tommie and Willie born? A. In the Nation.
- Q In what nation? A. In this Nation, Cherokee Nation.
- Q Whereabouts? A. On the river here.

DORCAS HUFFINGTON, recalled, and further examined by Commissioner Needles, states:

- Q Aunt Dorcas, do you know whether Nancy's name is on the roll of 1880? A. No sir, I do not.

NANCY HUMPHRIES, recalled, and examined by Com'r Needles:

- Q Nancy do you know why your name aint on the roll of 1880?
- A No sir.
- Q Did you think it was, or did you know it wasn't when you came here? A. I thought it was on there; I thought it was on the 1880 roll.
- Q Did Cerena have a boy named Thomas? A. Yes sir.
- Q Did she have one named Willie? A. Yes sir.

Nancy Humphries et al.--6

DORCAS HUFFINGTON recalled and examined by Com'r Needles:

- Q What relation is Cerena to Nancy, Aunt Dorcas? A. Her name is Cerena Parris; all of them used to belong to one man, this woman and her.

Kerna-Clifton roll page 110 #2746 Nancy Humphries Tahlequah Dist. Note on roll "Died in 1889".  
page, 110 #2747 Tom Humphries, Tahlequah Dist.  
page 110 #2748 Will Humphries, Tahlequah Dist.

Examined by Cherokee Rep've W. W. Hastings.

- Q You say both of these children were born in the Cherokee Nation on Fourteen Mile Creek,--you are under oath now? (A. (No response))

Examined by Commissioner Needles

- Q Now where was Tommie born? A. He was born up the river  
Q Up the Arkansas river, up the Grand River? A. I reckon.  
Q Where was Willie born? A. You will have to allow for me.  
Q Don't get scared now, don't you recollect where Tommie was born?  
A He was born somewhere in the Cherokee Nation; I was in the Cherokee Nation.

Com'r Needles: The name of Nancy Humphries is not found upon the authenticated roll of 1880 nor the census roll of 1896; neither are the names of her children Thomas and Willie found upon the census roll of 1896; their names are found upon the Kern-Clifton roll; by reason of the fact that her name is not on the authenticated roll of 1880 and no satisfactory proof is made as to their citizenship final judgment will be suspended and their names will be placed upon a doubtful card.

-----//---/-----

M. D. Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green

Subscribed and sworn to before me this April 10, 1901.

(Signed) T. B. Needles  
Commissioner

Lucy M. Bowman, being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of the original transcript.

*Lucy M. Bowman*

Subscribed and sworn to before me this January 23, 1906

*B. P. Rasmus*  
Notary Public.

File with O. T. D.

[illegible]

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I. T. February 3, 1902.

7. KNOWN ENTAIL THESE OF IN THE LINE OF C-FOUR DARTON in the father of the application of Lang. Impression of al far small and as Charles Freeman.

**Appointments:**

Application to Person

W. F. Tust, age, of attorney for the Cherokee Nation.

ABOVE INFORMATION, being sworn and examined and certified as follows:  
(Recalled by the Character Section for additional  
cross examination.)

BY : AST/CSB

Q Aunt, your name is Mrs. Cunningham, is it not?

Q. What was your father's name? A. I don't remember.

Q. Didn't you never hear your father's name called? I think his name was Riley.

Q You know it was Joe Riley don't you? (No reply)

N° CO. 195101

Q Was that your father's name, Joe Wiley? A That is what they said.

BY TEST: 38:

Q "That was your mother's name? A "Yarr.

Q You are half sister of Ed Miller's aunt you? A Yes sir, I  
 reckon I am.

Q You had a husband named Ed? A Yes sir, Ed Campbell.

Q. You saw not, how that has not been applied for by the Duke of  
Joseph "Amberley"? A. Yes Sir.

Q. No, Auntie, I want to know where he was born. A. You was born in I don't just remember where he was born. I traveled enough.

2. Now, Susan, I don't want to worry you, but that is the only reason I re-called you for additional cross examination, because your statement is not clear and I have to give those points on Jones and so we would like to have the statement as clear as I could get it. Now I would like to know where Joe has been? A Joe was born so I went up to see my mother I think.

Q Well, where in La Crosse? I can't tell you every place  
the song born.

A. I would like to know where Tamm was born & I don't know that place is yet.

1969-1970

Q Do you remember another, do you recall her exact place in the house?

Mr. Sir, I don't remember just what place it was, but

There were you living at that time? A I think I was in person means, I don't know.

01258545

1. Road where was killed on 7/1/1911. Killed on road in the Territory

At Parsons? A lead in the Territory.

Q Well, correct? I think to the south end of the Great Wall of China.

## CONCLUSION

Q. Now that you saw it, were you living at that time, near that town, was it near Tuscon? A. No sir, I don't know hardly. I can't remember.

PAST 108

Q It was up here between the river and the Creek Station wasn't it, and here in this grove of alders, not far from Salmon Station wasn't it? A Yes sir, I think it was; I don't just remember, but then I try to make it as near right as I can.



Q Where did John Parson, your husband, die? A He died whilst I was out to visit my mother, and I came on back to the Territory after he died.

Q He was born in Kansas wasn't he? A Yes sir, he was bound to be born in Kansas.

Q You know what year he died? A No sir, I don't.

Q You don't know what year he died? A No sir, I don't know that.

Q Did he ever before Willie was born? A Well, if you want me to tell you the truth, after we came to Kansas we parted and then I came on back again here again in the Nation, and then I went back back again.

Q And back up there? A Yes sir.

Q You saw John Parson, and saw him when he died? A No sir, we never.

Q Did he have any estate or share in getting up, no house nor nothing, no property? A No sir, we rented while he was there.

Q Where place did you rent? A He rented like a man by the name of Gray.

Q Was that close to Parsons or Fort Scott? A I don't know nothing about Fort Scott.

Q Tell me how far that four Parsons? A I don't know that.

Q Tell about the far, best of your knowledge, auntie? A Yes, sometimes it was a good ways, but I can't tell you just how many miles.

Q Tell four or five? A Yes sir I tell an it was that far and maybe farther.

Q Do you know whether it was north, east or south or west of Parsons? A Not I think, not sure what either, it was kinder north-west I reckon.

Q How many years did you live in that place, at what did you do rather than you did live on it? A Didn't do anything but just looked around and sawed wood and washed.

Q Tell me that? A No sir.

Q Was he a shop? A No sir.

Q And you died up where did he? A Yes sir.

Q On that place? A No, didn't go to mother's.

Q Where was your mother? A She lived there where.

Q How far from where you lived? A Two or three miles I reckon, maybe not so far.

Q Was she keeping house separate from your mother then? A Yes sir.

Q You came from Parsons down here near Gibson Station your daughter said, is that true? A Yes sir, and went backwards and forwards on Fourteen Mile Creek and back again and washed.

Q Never did live on Fourteen Mile Creek since the war? A I can prove that I did.

Q Did you? A Yes sir.

Q With whom did you live over there? A Since the war, I was married to someone until after the war.

Q What year did you marry him? A I couldn't tell you, I was fifteen what year it was.

Q Had the war quit when you married him? A Yes sir.

Q If had quit had it? A Yes sir.

Q How long had it been quiet? A I couldn't tell you that either.

Q How where was your home? A Over there on Fourteen Mile Creek.

Q At whose house? A Little house we had of our own close to Mr. Parson's.

Q Did you have a house up there? A Yes sir. Little lot house there. Jim Parson was my uncle.

Q Where was Ann born? A She was born in the Territory.

Q I want to know where? A Over there, we lived in Gibson, and to Park Hill and Fairbush and all around by there, and from there to Fourteen Mile Creek.

Q How long did you and him live there after you went to living together as man and wife? A There.



Q Over there in the store in Dallas, anywhere? A Since, I could not tell you how long we lived there, and then we went from there to Park Hill and lived there a long while, and from there -

Q Now how about the store there? A I worked for them for some time.

Q After the war? A Yes sir.

Q Your people belonged to that before the war didn't they? A My mother belonged to Bob Parish.

Q What about your father? A I think he belonged to John Wiley, I think, as Cousin's uncle.

Q Well did you live in Fort Gibson after the war? A Yes sir I lived in Fort Gibson with an old Quinter's place; he is a Quinter. I don't know whether his name is in or not; I stayed at Fort Gibson a long time and worked for old Texas that is over there now.

Q You went from there to Mountain Lake Creek; did you? A I went from Gibson to Park Hill.

Q Did you ever know Columbus Lasker; he lived right in Fort Gibson? A Yes sir, sure I did. I knew Columbus; lived right there close to my grandmother's.

Q Did you have a farm over there? A Where?

Q Over on Mountain Lake Creek? A Yes sir, we didn't have no farm.

Q Never had any house of your own did you? A Yes sir, we had a house of our own.

Q The did you own it too? A Yes I did not the house.

Q That was his name? A Jim Parish.

Q It was his house too wasn't it? A No sir, my built the house myself, and I hope him what was done to it, little log house.

Q Are there two girls, Anna and Mary twins? A No sir.

Q Which is the eldest? A This one here.

Q Mary? A Yes sir.

Q They must have been quite small when you took them to Kansas; neither one of them didn't remember anything? A They was small, all my children was small.

COLUMBUS LASKER, being sworn and examined testified as follows:

BY EXAMINATION:

Q What is your name? A Columbus Lasker.

Q You know this applicant, Nancy Humphreys? A Yes sir.

Q Did you know Eph Humphreys? A Yes sir.

Q Where were you living during the war? A Fort Gibson.

Q Where did you live immediately after? A Lived at Fort Gibson.

Q When did you leave Fort Gibson? A I left Fort Gibson in '57, and went about four miles east.

Q What time in '57? A Spring.

Q And went about four miles east? A Yes sir.

Q Would that be near in the Four Mile Branch neighborhood?

A Yes sir.

Q Did you ever know John Parish and Eph Parish, were there up Four Mile Branch after the war? A No sir.

Q Did you ever know them living over about Park Hill after the war? A No sir.

Q Ever know them living about Mountain Lake after the war? A Yes sir.

Q Are you well acquainted with that section of the country? A I have lived there all my life, yes sir.

BY CROSS EXAMINATION:

Q When did you first learn to know these Humphreys? A During the war.

Q Where was he living right after the war? A Fort Gibson.

Q How long did he continue to live there? A I lived there until '57.

Q How long did he live there? A I don't remember how long he lived there.

Q Was he living there when you moved away? A No sir, you saw place, I don't know where.

- Q Moved his family away from Fort Gibson? A That is what I learned.  
 Q You positive he was living there when you moved away? A No sir.  
 BY MR. OS:  
 Q Did you ever see him in this country after that? A No sir.

BY MR. OS: This testimony will be filed and made a part of the record in D-61 and D-32.

E.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly received the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*E.D. Green*

Subscribed and sworn to before me this February 6th, 1902.

*[Signature]*  
 Commissioner

Commissioner to the Five Civilized Tribes  
 U.S. DEPARTMENT OF THE INTERIOR  
 WASHINGTON, D.C.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MURKOGEE, I.T., JULY 26, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application  
for the enrollment of NANCY HUNGARIE, NE AL., MARY BRAN, ET AL.,  
and ANNA JONES, ET AL., as Cherokees freedmen.

It appears that on June 26, 1904, the applicants and the attorney  
for the Cherokee Nation were notified by letter that an opportunity  
would be given each of them to appear before the Commission at  
its offices at Murkogue, Indian Territory, on July 18, 1904, and  
introduce further testimony touching the points mentioned in said  
letter. There being no appearances on behalf of the applicants,  
this case was continued until this the 26th day of July, 1904, when  
the Cherokee Nation introduced the following testimony.

APPEARANCES:

No appearance on behalf of the applicants.  
Cherokee Nation by its attorney, James S. Davenport.

DANIEL WILLIAMS, being first duly sworn, testified as follows:

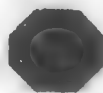
By the Commission:

- Q What is your name? A Daniel Williams.  
Q How old are you? A 46.  
Q What is your postoffice address? A Parsons, Kansas.  
Q Are you a citizen of the United States? A No, sir.  
Q Not a Cherokee freedman? A No, sir.  
Q Do you know the applicant in this case, Nancy Hungarie, who has  
applied here to be enrolled as a Cherokee freedman? A I don't  
know her by that name.

By Mr. Davenport:

- Q Did you ever know a colored person by the name of Nancy Johnson?  
A Yes, sir.  
Q Where did you know her? A She lived in Parsons.  
Q Did you ever know her father, or who she claimed was her father?  
A Joe Riley is the man that was her father.  
Q Where did he live when you knew him? A First in Emporia, Kansas.  
Q Did he afterwards move to Parsons? A He did.  
Q What was his daughter's name? A Nancy's name, if you remember, when you  
first knew her? A Nancy Johnson; I was on the railroad from Par-  
sons, Emporia and Junction City.  
Q About when was it you got acquainted with them? A I don't  
remember whether it was 1879 or whether it was in 1880; it was along  
in there; they lived in Parsons.  
Q You were railroading from Emporia along down to Junction City at  
the time? A Yes, sir.  
Q Did she come down on your train from Emporia? A Yes, sir.  
Q How long, or up to what time did you know of her living in Par-  
sons, how many years ago? A I don't remember her any further back  
than along in 1880.  
Q Did she keep house in Parsons? A Yes, sir.  
Q Scott, Kansas, and when I came down in 1880 they had been  
Q Have you ever seen either of them since that? A I have seen her  
once since that; she was in Parsons on a visit along in I don't  
remember the year.  
Q It was after you came from Fort Scott? A Yes, sir.  
Q Did you learn what her name was then, or had she remarried? A I  
don't know.

# CORRECTION



The preceding document(s) has been refilmed  
to assure legibility and its image appears  
immediately hereafter.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., JULY 23, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of NANCY HUMPHRIES, ET AL., MARY BURN, ET AL., and ANNA JONES, ET AL., as Cherokee freedmen.

It appears that on June 25, 1904, the applicants and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 18, 1904, and introduce further testimony touching the points mentioned in said letter. There being no appearances on behalf of the applicants, this case was continued until the 23rd day of July, 1904, when the Cherokee Nation introduced the following testimony.

APPEARANCES:

No appearance on behalf of the applicants.  
Cherokee Nation by its attorney, James S. Davenport.

DANIEL WILLIAMS, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Daniel Williams.  
Q How old are you? A 66.  
Q What is your postoffice address? A Parsons, Kansas.  
Q Are you a citizen of the United States? A Yes, sir.  
Q Not a Cherokee freedman? A No, sir.  
Q Do you know the applicant in this case, Nancy Humphries, who has applied here to be enrolled as a Cherokee freedman? A I don't know her by that name.

By Mr. Davenport:

- Q Did you ever know a colored person by the name of Nancy Johnson?  
A Yes, sir.  
Q Where did you know her? A She lived in Parsons.  
Q Did you ever know her father, or who she claimed was her father?  
A Joe Riley is the man that was her father.  
Q Where did he live when you knew him? A First in Emporia, Kansas.  
Q Did he afterwards move to Parsons? A He did.  
Q What was his daughter's name? A Nancy's name, if you remember, when you first knew her? A Nancy Johnson; I was on the railroad from Parsons, Emporia and Junction City.  
Q About when was it you got acquainted with them? A I don't remember whether it was 1879 or whether it was in 1880; it was along in there; they lived in Parsons.  
Q You were railroading from Emporia along down by Junction City at the time? A Yes, sir.  
Q Did she come down on your train from Emporia? A Yes, sir.  
Q How long, or up to what time did you know of her living in Parsons, how many years ago? A I don't remember her any further back than along in 1884.  
Q Did she keep house in Parsons? A Yes, sir.  
Q Do you know what became of her father? A No, sir, I don't, because I left there on the 11th of April, 1886, and moved to Fort Scott, Kansas, and when I came back in 1888 they had left.  
Q Have you ever seen either of them since that? A I have seen her once since that; she was in Parsons on a visit along in I don't remember the year.  
Q It was after you came from Fort Scott? A Yes, sir.  
Q Did you learn what her name was then, or had she remarried? A I don't know.



Q You know her as the daughter of Joe Wiley? A Yes, sir.  
Q You say Joe was a minister of the gospel? A Yes, sir.  
Q Do you know whether or not they owned any property in Parsons, Kansas? A There was some property there they claimed was theirs, on Corning Avenue and 22nd Street.

By the Commission:

Q Was this woman you speak of married during the time they lived up there? A Her husband then was George Johnson.  
Q Did she have any children by him? A That I don't know.  
Q Did she have any children? A Yes, sir.  
Q What were their names? A I don't remember.  
Q How many children did she have? A That I don't know.  
Q When was the first time, you say, that you ever saw her? A It was along in 1879 or 1880; I never charged my mind particularly about it; I only saw them passing along on the train, as I saw lots of other people.  
Q You don't know where they came from? A To Parsons?  
Q Yes, A From Superior.  
Q You don't know where they came from when you first saw them?  
A No, sir.  
Q Those people that you are speaking of did they claim to be Charles-lee freedmen, or did you ever hear them say anything about it? A Never have paid much attention to that part of it; never was interested and never paid any attention to it.  
Q When did they leave Parsons? A That I don't know, between 1884 and 1888; I left there and left them there and when I came back in 1888 they were gone.  
Q You don't know where they went? A I understood to the territory.  
Q But you don't know? A No, sir.

Q-Q-Q-Q-Q-Q-Q-Q

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 5th day of July A.D. 1904.

*H. M. Vance*  
Notary Public

( COPY )

Cherokee F D-30-31-32.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., SEPTEMBER 19, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Nancy Humphries et al., as Cherokee Freedmen.

It appears that on August 19, 1904, the applicant and the representatives for the Cherokee Nation were duly notified that on September 19, 1904, the applicant would be permitted to introduce further testimony in the above entitled cause.

APPEARANCES:

Applicant appears in person.  
Cherokee Nation by its representatives, W. W. Hastings,  
and L. B. Bell.

NANCY HUMPHRIES, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Nancy Humphries.  
Q How old are you? A I don't know exactly I can't tell you that about 57 or 58 I guess.  
Q What is your post office address? A Muskogee.  
Q You have testified in this case once or twice before haven't you?  
A Yes sir.  
Q Was you a slave at the beginning of the rebellion? A Yes sir.  
Q To whom did you belong? A Bob Paris.  
Q Was he a Cherokee Indian? A Yes sir.  
Q Where did he live? A Between Tallapoosa and Fort Gibson is where I remember he lived, I don't know where else they lived.  
Q Was he living when the war began? A He died just before the war began I believe.  
Q Who did you belong to at the beginning of the war? A I lived with Bob he had a son named Bob.  
Q You belonged to young Bob Paris? A Yes sir and George.  
Q You was owned by the Paris family? A Yes sir.  
Q Did you go out of the Cherokee Nation during the war? A No sir.  
Q You stayed here? A I was in the Cherokee Nation.  
Q Never went out of the Cherokee Nation during the rebellion? A No sir.  
Q What time did you leave the Cherokee Nation? A Yes mean after the war.  
Q Yes? A I couldn't tell you just when it was.  
Q About when? A I was here a long time after the war at Fort Gibson and Park Hill, I can't remember how long it was.  
Q When did you go to Purgess, Kansas? A We was away after I married, I couldn't tell you what year because I don't know the dates of the year.  
Q When was you married? A I don't know the year.

- Q Before the war? A No sir.
- Q After the war? A Along about the last part of the war or during the war.
- Q Did you ever go by any other name than Nancy Humphries? A Yes sir.
- Q What name did you go by? A Johnson but I never changed it on the roll.
- Q What is your father's name? A I don't know I thought it was Joe Riley but I learned better, he was only a step-father, but I guess I was small when him and my mother married, I don't know my own father.
- Q Can you give me an idea as to when you left the Cherokee Nation and went to Kansas? A No sir, I don't guess I can.
- Q How long after you were married? A It was a long time, I couldn't tell you the year.
- Q Ten years after you was married? A I suppose so.
- Q How many children did you have when you left the Cherokee Nation? A I was the mother of three children.
- Q What were their names? A I had Mary and Joe.
- Q Did you have Anna? A Yes sir.
- Q When did you come back to the Cherokee Nation from Kansas? A I come back I don't know what year it was, I didn't stay up there overly long, my mother lived in Kansas and I have been backwards and forwards several times, I have been here in the Creek Nation the most of the time.
- Q Is your name on any of the rolls of the Cherokee Nation? A It must be.
- Q You say you didn't remain in Kansas a great while? A No sir.
- Q About how many years did you stay there? A I couldn't tell, might have been three or four or five maybe, I was backwards and forth.
- Q Where does Mary Dean live now? A Out here.
- Q You mean in the Creek Nation? A Yes sir.
- Q Where does Anna Jones live? A Out here now.
- Q In the Creek Nation? A Yes sir.
- Q You say you never went out at all during the war? A Not out of the Cherokee Nation.

BY MR. HASTINGS:

- Q How old are you? A I am about 57 or 58 years old. I don't know my age.
- Q Where was you living when the war came up in war times? A We were out here, I can't tell you the name of the place.
- Q Near what town were you living? A We were in the nation, I don't know the town.
- Q You never heard of any town? A Yes sir, Tahlequah I knew for one place.
- Q How far and in what direction were you living from Tahlequah when the war came up? A I was living at Park Hill when the war came up.
- Q What direction is that from Tahlequah and how far? A I think it is five miles.
- Q How long had you been living there when the war came up? A I don't know that, I was a small child and don't remember.
- Q About how long had you been living there? A I couldn't tell you to save my life.
- Q About how long? A It might have been ten or twelve years, I couldn't tell you.
- Q With whom were you living when the war came up? A With Paris part of the time.

- Q What was Paris' first name, Bob Paris? A Yes sir.
- Q What was Paris' wife's name, young Bob's? A Wife was named Martha, she was Martha Woods before she married Paris.
- Q And there is where you was living? A I was living at Park Hill.
- Q Were you living with these Paris? A No, I had been living with Paris but had gone over to Foreman's.
- Q And were you with the Foremans? A My parents were there.
- Q Were your parents at Paris? A Right then they were at Foremans.
- Q When the war come up you was living with Foreman? A I lived with Paris all during the war.
- Q I don't exactly get this, who were you living with when the war come up? A I was with Paris.
- Q How is it that you said you had been living with Foreman? A My mother and father were there and I went there.
- Q To the Foremans? A Yes sir.
- Q And your father was named Joe Riley? A I said that because I didn't know.
- Q What do you say now? A He was my step-father.
- Q What was your mother's name? A Mary.
- Q Was your mother living when the war come up? A Yes sir.
- Q Where did she die? A She died in Kansas.
- Q What town? A A place called Emporia.
- Q When did she go to Emporia? A My mother went, I don't know when to tell the truth because Paris had taken me off.
- Q Where did they take you to? A Up in the country.
- Q You mean to say that Paris took you away from Park Hill? A Yes sir.
- Q Did they take you away from there at the beginning of the war? A Yes sir.
- Q Was it after the war had commenced? A I guess it was.
- Q Do you know? A No sir I don't.
- Q Where did you leave your mother? A I left her at Park Hill.
- Q With the Foreman family? A Yes sir.
- Q With Dr. Foreman's family who lives at Vinita? A He wasn't no doctor, he was a preacher.
- Q This Foreman family you was with was a preacher? A Yes sir.
- Q Uncle Stephen Foreman? A Yes sir.
- Q Where did the Paris take you? A I don't know the name of the place where they took me, Bob Paris took me away.
- Q Took you south? A No sir, never was south in my life.
- Q How far did he take you from Park Hill in what direction and how long was you gone? A I don't know, I reckon it was north.
- Q How many days did you travel? A About a day and a half.
- Q To what town did you go? A Didn't go to no town, they lived in the country.
- Q Near what place, did you go, didn't you hear them talk about no trading point? A No sir, because they lived on a farm and raised pretty near everything they had.
- Q I have got to have something about where you was located during the war, and I am trying to get you to tell me where they took you? A It was somewhere on the Illinois, I don't know no town.
- Q Did they take anybody else with you? A Two, had their witness they took with me.
- Q What were their names? A Jennie Book and Jim Paris.
- Q How far from Tahlequah, was your mother with you? A No sir.
- Q How far did they take you from Tahlequah? A I couldn't tell you, I have answered two or three times.
- Q Who lived out there where they took you? A The rest of the sisters of the Paris.



- Q What were their names? A One was named Eliza Downing, Betsey Downing, and Leathy Pereman.
- Q Were they Cherokees? A Sister to young Bob Paris.
- Q Are all of these people living now? A I don't know, I never have heard of them I don't believe.
- Q Did Bob Paris have any children? A Young Bob.
- Q Yes? A He had one.
- Q What was its name? A I can't remember its name, I was a nurse there.
- Q What was young Bob's wife name? A Martha Woods before he married her.
- Q Is she living now? A I don't know sir, I don't know whether she is or not.
- Q Who did she afterwards marry? A I don't know that.
- Q Did Bob Paris die? A Old Bob did.
- Q Young Bob? A He wasn't dead when I knowed him, anything about him, I think he is dead now.
- Q How long did you stay at this place where the Parises took you? A I stayed there all along during the war, until going toward the last, until they were going to carry us to Texas and they couldn't carry me. All along during the war I was with them.
- Q When did you leave them? A Right along the latter part of the war.
- Q Where did you go? A Came back here to Fort Gibson.
- Q Where were they living when you left them, you was grown? A I was a big girl.
- Q Do you know? A No sir I don't know the name of the place.
- Q What direction from the town of Tahlequah? A I told you it was north, I guess.
- Q Who did you live with after you left Paris? A I lived here at Fort Gibson with my grand merther until I married.
- Q What was your grand mother's name? A Sarah Paris.
- Q Is she alive? A No sir.
- Q Who did you marry? A Eph Humphries.
- Q Where did you marry him? A Right at Fort Gibson.
- Q Had the war closed then? A Just along about the last of the war.
- Q Who married you to him? A I can't tell you his name, I think he is dead, I don't know where he is, his name was Martin.
- Q What became of you after you married Eph Humphries? A I can't answer all them questions.
- Q Where did you live, you and Eph? A At Gibson.
- Q How long did you live there? A I couldn't tell you.
- Q I must know that, it is absolutely necessary for me to know that you must give me your best judgment? A I am doing the best I can.
- Q What is your best judgment of how long you and Eph lived there and what you did. Did you live on a farm? A Yes sir.
- Q On whose farm? A A man by the name of Gunter.
- Q What was his first name? A I don't know.
- Q Is he living or dead? A I don't know that.
- Q Did he have any family? A I don't know all that, my husband rented the farm.
- Q Did you know any of the neighbors of Gunter? A No sir.
- Q What direction did you live from Fort Gibson? A I lived out east out this way somewhere below town.
- Q How far below town? A About a mile I guess.
- Q Who owns that place now? A I don't know.
- Q Do you know whatever became of this man Gunter? A No sir.
- Q Did you ever see him afterwards? A Not after we moved from the farm.



- Q How long did you stay on the farm? A I don't know, four or five years maybe.
- Q Is that your best judgment? A Yes sir.
- Q Where did you go then? A Moved back up there to Park Hill at the Wooster place.
- Q How long did you live near Park Hill? A I don't know how long we stayed there.
- Q About how long, give me your best judgment? A I reckon five or six years, as near as I can remember.
- Q Where was the oldest child Mary born? A Born upon the branch on the creek from Fort Gibson.
- Q Before or after the war? A I don't see how I could have any children before the war.
- Q Was it after the war? A Yes sir.
- Q Where was this next one born, Anna Jones? A I had one child born at Gibson.
- Q Was that Mary or an older one? A An older one.
- Q Where was Mary Dean born? A Upon the creek.
- Q Where was Anna born? A Upon the creek.
- Q They were both born then before you went to Park Hill after the war? A No sir not both born before I went to the Wooster place near Park Hill, one was born after I left the Wooster place down to a place they called Dr. Brown's place, down in there below Murrills.
- Q How far was that from the Wooster place? A About five miles.
- Q Who was living on the Wooster place when you went there after the war? A Colored folks, Humphries family Doc and Bill, there wasn't any white folks living there.
- Q Any white folks living around there? A Yes sir.
- Q Who? A Dr. Hitchcock was our nearest neighbor there.
- Q He lived there after the war? A Yes sir and Foreman.
- Q What Foreman? A Stephen Foreman.
- Q He was living there after the war? A Yes sir on his own place.
- Q When did you go to Kansas first after the war? A I couldn't tell you when it was.
- Q About how long after the war? A I couldn't tell you.
- Q Your best judgment? A I couldn't tell you how long it was after the war to save my life.
- Q I must know your best idea about it because I don't know? A I can't tell you just what year it was.
- Q About how long after the war was it? A I moved over from Park Hill upon the creek and went from there to Kansas.
- Q Upon what Creek? A Fourteen Mile Creek.
- Q And you went from there to Kansas? A Yes sir went to see my mother.
- Q Did your husband go with you? A Yes sir.
- Q Did your children go with you? A Yes sir of course.
- Q How many children did you take up there with you? A Two of them.
- Q What were their names? A Mary and Anna the first time I went.
- Q What place in Kansas did you go? A Went to Parsons where I lived, went to Emporia where my mother lived and come back to Parsons.
- Q How long did you stay at Emporia? A Just went to see my mother, not long.
- Q About how long? A May be four or five months.
- Q And come from there to Parsons? A Yes sir.
- Q And there you bought a house? A No sir, I didn't Johnson is the man that had the house down there, we didn't buy a house. When we first come there we rented.

- Q You had married again had you? A No sir.
- Q Who was this man Johnson you was talking about, what had become of Eph Humphries? A If you make me tell Eph and I parted.
- Q Where? A At Emporia.
- Q While you was living there with your mother? A While I was there on a visit.
- Q And you took up with a man by the name of Johnson? A Not right away I never.
- Q How long after you and Eph parted? A Eph and I went back together again.
- Q At Emporia? A Yes sir.
- Q How long did you live together before you separated again? A I couldn't tell you, just like all other colored folks, fighting and scratching all of the time.
- Q I have got to know something about how long, give us your best judgment? A We lived together long enough to have two more children.
- Q You and Eph? A Yes sir.
- Q There at Emporia? A No my children were not born at Emporia.
- Q Where were they born? A One born in Parsons.
- Q Where was the other one born? A Just travelling up and down the road like I told you before, first there and then in the Territory.
- Q Where was that other one born, in Kansas? A In Parsons.
- Q Where did you and Eph separate? A I told you we separated at Emporia and went back together again.
- Q Where did you separate the second time? A At Emporia.
- Q How long was your second separation after your first one? A I never kept count, I don't know.
- Q Three or four years? A No sir I don't suppose it was that long.
- Q Two years? A Maybe it was.
- Q Then you took up with a man by the name of Johnson? A After Eph died I did.
- Q Where did Eph die? A At Emporia.
- Q Do you know when he died? A No sir.
- Q Do you know how long ago he died? A No sir.
- Q Haven't you got the faintest idea in the world about any date? A I don't know anything about the dates.
- Q Do you know whether Eph died 20 or 30 or 40 years ago? A I don't suppose it has been 40 years.
- Q Do you suppose it has been 30? A No sir, I don't think it has been that long.
- Q What is your best judgment? A May be 20 years I don't know.
- Q After that you married this man Johnson did you? A I lived with Johnson.
- Q Where did you take up with him at? A In Parsons.
- Q Did you own a home there? A He owned a place there.
- Q How long did you live with Johnson? A I lived with him until he died.
- Q When did he die? A It has been, I don't know, may be 15 years, I don't know.
- Q About how long? A I said may be 15 years.
- Q About how many years did you live with Johnson? A May be 10 years, I don't know.
- Q In Parsons? A Yes sir.
- Q Did you have any children by Johnson? A Yes sir.
- Q What are their names? A They are dead.
- Q How many did you have by him? A I had two.
- Q Where did they die? A They died in Parsons.
- Q What street did you live on in Parsons? A I don't think the streets are numbered when we were there.

- Q Were they named? A I don't know the names but it was west of the depot.
- Q How far? A Not very far.
- Q But you lived there about ten years with Johnson? A I guess so.
- Q Did Johnson die there? A Yes sir, we had moved down here.
- Q Where did he die? A He died in Parsons, we moved down here and lived here between the rivers two or three years.
- Q Was that when you first moved here between the rivers, you and Johnson? A Yes sir.
- Q That was the first time you had moved here between the rivers? A Yes sir between these rivers here.
- Q How long did you stay here? A We made about three crops.
- Q And then you went to Parsons? A Yes sir and he died and I came back here.
- Q How long after he died did you come back? A That same fall, he died and have been here ever since.
- Q Mary's name is Mary Dean, isn't it? A Yes sir.
- Q Where is she living now? A Here in the Creek Nation, her husband is a Creek.
- Q Was she ever married before she married this man? A No sir.
- Q She never had anybody else for a husband until she married this man? A She might have had a man but never had married.
- Q She never had any children except by this man? A She had one Joe.
- Q Where did Joe die? A Down here in the Creek Nation.
- Q Where was Anna married? A She was married here in the Creek Nation.
- Q Is her husband a Creek? A Yes sir.
- Q Both Creeks? A Yes sir, two brothers.
- Q Married two brothers did they? A Yes sir.
- Q Then the first time you moved down here in the forks of the Grand and Arkansas Rivers was long after you had married Johnson and just before Johnson died, is that the way? A Yes sir.
- Q About how many years ago was that? A I couldn't tell you Mr. Hastings.
- Q Your best judgment? A We made three crops down here before we went back, and went back and then come back again.
- Q How many years ago was that? A I don't know.
- Q Was it as much as ten years ago? A I reckon so Mr. Hastings.
- Q Is that your best judgment? A Yes sir it is.
- Q Did your mother die in Emporia? A Yes sir.
- Q Did your step-father die up there? A No sir he died in the Cherokee Nation.
- Q But Joe Riley was there with your mother? A Yes sir.
- Q And Joe Riley was at Emporia with his father to? A Yes sir.
- Q He had always lived there after the war hadn't he up until the time you was up there? A I guess so.
- Q You saw him there didn't you? A I saw him when I went.
- Q He was a good size boy? A Yes sir.
- Q About how old when you went there? A I don't know.
- Q Grown? A No sir.
- Q But he was living there with his father and mother? A Yes sir.
- Q And that was some eight or ten years after the war? A Yes sir.
- Q And he had always lived there? A Yes sir, I guess so, you see I wasn't with him.

JENNIE BUCK, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Jennie Beck.
- Q Where do you live? A On Fourteen Mile Creek.
- Q What is your post office? A Melvin.
- Q About how old are you? A I couldn't tell, I was born the next year the oldsettlers came to the country.
- Q You are about 70 you think? A I expect so.
- Q Do you know Nancy Humphries? A Yes sir.
- Q How long have you known her? A Ever since she was born.
- Q Where was she born? A This side of Cincinnati about three miles.
- Q Where is Cincinnati? A It is across the line, but we were in the nation.
- Q She was born in the nation was she? A Yes sir.
- Q Across the line about three miles from Cincinnati? A Yes sir.
- Q How large a girl was Nancy at the beginning of the war? A About twelve years old.
- Q Was she a slave? A Yes sir.
- Q To whom did she belong at the beginning of the rebellion? A Old Bob Paris.
- Q Was old Bob Paris living when the war began? A No sir.
- Q Then who did Nancy belong to? A The heirs of old Bob Paris.
- Q Was Bob Paris a Cherokee Indian? A Yes sir.
- Q Where did Nancy go during the war? A She was down to Gibson during the war.
- Q Where were you? A I was there to and stayed there.
- Q Never did go out of the Cherokee Nation? A No sir.
- Q Who owned you at the beginning of the war? A The same people, I was born and raised with the Paris.
- Q Is your name on the 1860 roll? A I guess so, it ought to be.
- Q Have you been enrolled by this Commission? A Yes sir enrolled at Gibson.
- Q When did Nancy leave the Cherokee Nation? A I just couldn't tell the time, she went off to see her mother.
- Q Where was she in 1866 and 1867? A At Gibson.
- Q How long after the war was it you think when she went up to Kansas? A I couldn't tell you just what year she went.
- Q About how long do you think? A I couldn't tell you I don't know.
- Q Where did Bob Paris live when the war broke out? A He was dead.
- Q Where was the Bob Paris place? A Five miles east of Tahlequah he is buried up there.
- Q Was Nancy Humphries living five miles east of Tahlequah when the war broke out? A No sir we were up at Beatty's prairie then with George Paris.
- Q She was up there when the war began? A She was at Beatty's prairie, yes sir.
- Q Living with George Paris? A Yes sir.
- Q When did she come down to Fort Gibson? A During the war, I was there and they came to me there.
- Q Did she ever live with a man named Foreman? A Yes sir, she stayed up there, she didn't belong to him, she just stayed there.
- Q What Foreman? A Stephen Foreman.
- Q When was that? A Before the war.
- Q Do you know where Nancy was married? A She was married at Gibson.
- Q How long after peace was made? A I just don't know, I don't remember.



- Q About how long? A I just couldn't say, I don't tell nothing but what is so, but she was married at Gibson after peace.
- Q Do you know when she went to Kansas? A Yes sir, but I don't know the year.
- Q How long do you think it was after the war? A I couldn't tell because I aint got no learning.
- Q Do you know how long she stayed up there in Kansas? A No sir.
- Q Did she stay 5 years or 25 years? A She didn't stay that long.
- Q Do you know where Nancy was living when the 1880 roll was made? A No sir.
- Q Was she in Kansas then? A Might have been, I don't know.
- Q Can you explain why it is that Nancy is not on any of the rolls outside of the Kern-Clifton? A I don't know nothing about the rolls.
- Q Where was you living in 1866? A Gibson.
- Q How long did you continue to live there? A All my time for about 30 or 40 years or more.

BY MR. HASTINGS:

- Q About how long before the war did old man Bob Paris die? A Just three years.
- Q Then Nancy was taken by George Paris up to Beatty's prairie? A Yes sir and me too.
- Q On which side of Beatty's prairie did George Paris live? A The far side.
- Q The north side? A Yes sir, on the east side.
- Q Do you know where that town Mayesville is? A Yes sir.
- Q How far from Mayesville was it? A Twelve miles.
- Q It wasn't on Beatty's prairie then was it? A No sir on Long prairie.
- Q Was that the George Paris on Long Prairie that had you? A Yes sir.
- Q Did you know any of the Becks up there? A Yes sir, Ellis, Joe, and Zeke.
- Q There is where you was living when the war come up? A Yes sir.
- Q And there is where Nancy was living? A Yes sir.
- Q During the war you said she come down with her grand-mother to Fort Gibson. What was her grand-mother's name? A Sarah Paris, my mother and her grand-mother.
- Q She is your sister's child? A Yes sir.
- Q You never testified for this woman before the Kern-Clifton roll did you? A No sir.
- Q You never have testified for before, have you? A Yes sir down at Gibson.
- Q When? A I don't know what time, I believe at that Kern roll.
- Q What was Nancy's first husband's name? A Eph Doughries.
- Q Where did she marry Eph? A At Gibson.
- Q Was that before or after the war? A In time of the war, before peace.
- Q That was while the war was going on? A Yes sir.
- Q And then she went from there to Kansas did she? A No sir she stayed here for years after that.
- Q About how long after she married Eph before she went to Kansas? I couldn't say what year.
- Q I want to know about how long? A I don't know.
- Q Your best judgment? A It might have been seven years or something like that, I don't know.
- Q Could it have been a year? A Longer than that.
- Q Could it have been two? A I expect it was six or seven maybe more.



- Q Is that your best judgment? A Yes sir.  
Q Do you know Mary Dean? A Yes sir.  
Q Where was she born? A On fourteen Mile Creek.  
Q Where was her next child, Anna, born? A I don't know, she was away from me then.  
Q In Kansas? A I expect so, I don't know.  
Q Where did she go from Fort Gibson? A Wooster place there at Park Hill.  
Q How long did she stay at Park Hill? A I never noticed.  
Q Who did she live with at Fort Gibson before she married Eph?  
A She stayed with me and mother.  
Q And after she married Eph she stayed with you? A She stayed with Eph's mother.  
Q What was her name? A Dinah.  
Q How long has she been back here this last time. She married in Kansas again didn't she? A I don't know.  
Q Did she have a man named Johnson up there? A I don't know.  
Q When did you see her back here this last time? A It has been a good while.  
Q Your best judgment, have you seen her three years? A Longer than that.  
Q Ten years, four years, or six? A It might have been longer, might have been that much.  
Q Has she been back here five years? A I expect longer than that.  
Q Six? A It might have been six.  
Q Is that your best judgment? A Yes sir, because I don't know.  
Q That is when she come back from Kansas? A Yes sir, she lived at Wagoner I don't know how long.  
Q Is that where she first come from Kansas? I don't know.  
Q From five or six years after the war up until five or six years ago, she lived in Kansas, did she? A I expect so.  
Q Is that your information? A That is all I knew about it, I didn't follow them about, I don't know.

JAMES PARIS, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A James Paris.  
Q What is your age? A About 27.  
Q What is your post office address? A Melvin.  
Q Do you know Nancy Humphries? A Yes sir, I ought to.  
Q How long have you known her? A Ever since I could recollect, we were raised together.  
Q Where were you living at the beginning of the war? A We lived up in Geingsnake District.  
Q Near what place? A About old Fort Wayne they called it.  
Q Who owned you at the beginning of the war? A Bob Paris.  
Q Was Bob Paris living when the war broke out? A No sir, I was living with one of his daughters.  
Q Where was the old Bob Paris place? A Right up here in Tahlequah District.  
Q Close to Tahlequah? A About five miles this side.  
Q You was not living there at the beginning of the war? A No sir.  
Q Where was Nancy Humphries when the war began? A She was up there some place.

- Q Near old Fort Wayne? A Yes sir.
- Q And you was living with one of Bob Paris's daughters? A Yes sir.
- Q What was her name? A Leathy.
- Q Leathy what? A Foreman.
- Q What was her husband's name? A Joe Foreman, he was dead at that time.
- Q Did Leathy Foreman have any children at that time? A Yes sir, two.
- Q What was their names? A Bob and Salina.
- Q Are they both living? A No sir.
- Q Is either of these children living? A I don't know.
- Q Is Leathy? A No sir.
- Q Where did you go during the war? A Here in the nation.
- Q Didn't go to Kansas? A No sir.
- Q Stayed right here all of the time? A Yes sir.
- Q Where did you stay? A Up there where I told you, Goingsnake District.
- Q Stayed up in Goingsnake District all of the time during the war?
- A No sir not all during the war.
- Q Were you a soldier? A No sir.
- Q Do you know where Nancy Humphries went during the war? A Yes sir, she was here at Fort Gibson, she was up there awhile and then come to Fort Gibson, she was here until the war was ended, never did go anywhere else until afterwards.
- Q When was it she went to Kansas? A That was along about '70 I reckon, as near as I can recollect.
- Q How long Mr. Paris did she remain in Kansas? A I suppose she was there about three years, I don't know exactly how long, could not tell you.
- Q Where was she married? A At Gibson.
- Q When. A Couldn't say exactly along about just before peace I guess, I wasn't right there when she married, it was along about that time.

BY MR. HASTINGS:

- Q With whom was Nancy living when the war broke out? A She was living with a man named George Paris.
- Q Where were they living? A Just in the same District, only it was a place called Long Prairie.
- Q And there is where she was living when the war broke out? A Yes sir.
- Q During the war did she go to Fort Gibson? A Yes sir.
- Q And there she married Eph Humphries? A Yes sir.
- Q Did you ever see her at Fort Gibson yourself? A Yes sir.
- Q When? A Along about when I first went to Gibson, it was in '66, I believe it was.
- Q After the war? A Yes sir just after peace.
- Q Was she married then? A Yes sir.
- Q Might have been about 1866 then? A About that I reckon, somewhere along there.
- Q Did she have any children born down there? A Yes sir.
- Q Who? A Mary Dean.
- Q The other one was born in Kansas? A One was.
- Q She left Fort Gibson about 1870 and went to Kansas with Eph Humphries? A Yes sir.
- Q And Eph lived and died there? A Yes sir, they went up there to see her mother.
- Q To Emporia? A Yes sir.
- Q Parsons? A I don't know what other name.

- Q You know they went to Emporia? A Yes sir.
- Q Eph died there in Kansas Didn't he? A I suppose he did.
- Q Wasn't she married to a man named Johnson up there? A I think so.
- Q Didn't they move to Parsons and live and keep house a number of years? A They lived in the Creek Nation here.
- Q Did they live at Parsons? A I don't know.
- Q When did you see them this last time back down here after she made this trip to Kansas. Eph never did come back with them?
- A No sir.
- Q Do you know how long he lived after he went up there? A No sir.
- Q Do you know how many children she had born in Kansas? A No sir, only that one.
- Q Don't you know that she had two or three that were born up there and died and were buried there? A She aint got no dead ones there that I know of.
- Q You don't know anything about it do you one way or the other?
- A She hasn't got no children dead, she aint got but five and they are living.
- Q If she swears it, you don't know about that? A No sir I don't know it.
- Q You aren't prepared to dispute it? A No sir.
- Q Do you know about her marrying this man Johnson in Kansas? A I don't think they married.
- Q Did you hear about it? A Yes sir.
- Q Did you hear about them owning property in Parsons? A No sir.
- Q You don't know about it one way or the other? A No sir.
- Q How many years has she been back here the last time? A I don't know.
- Q Five or six? A Longer than that, something about ten or twelve years, must be.
- Q Is that your best judgment? A The best judgment I can give you on that.
- Q Your testimony is that she left her alone about 1870 and come back ten or twelve years ago? A Yes sir.
- Q And that her husband Eph died in Kansas? A Yes sir.
- Q And that she married again in Kansas? A Yes sir.
- Q You say she has five children? A Yes sir.
- Q Were all of them born in Kansas with the exception of Mary? A No sir, some born here in the Creek Nation.
- Q Which ones were born in the Creek Nation are you certain about that? A No I am not certain, I have her word for it, she has lived right here in the Creek Nation.
- Q How many children did she have when she come back here? A She only had three.
- Q Has she some young children now? A The youngest one is about 17 maybe I guess.
- Q That one was born in Kansas? A No sir he was born here.
- Q You said she hadn't been back here but about ten or twelve years?
- A I said about.
- Q Then you don't know where he was born? A No sir.
- Q You haven't seen her back here until about ten or twelve years ago?
- A No sir I didn't see her when she first come, I lived up near Melvin and I heard of her down to Fort Gibson.
- Q But you never saw her so know that she was here of your own knowledge until about ten or twelve years ago? A Yes sir.

Q And you were just guessing at those years? A It has been about that long.

This case was here continued until November 14, 1904, by agreement

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct copy of his stenographic notes thereof.

(Signed) H. M. Vance

Subscribed and sworn to before me this 27 day of December, 1904.

(Signed) Charles H. Sawyer

(SEAL)

Notary Public.

Maggie Kennedy, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 29 day of December 1904.

Charles H. Sawyer

Notary Public.

Cherokee Freedmen-D-31.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory. November 14, 1904.

-----  
Supplemental proceedings in the matter of the application  
for the enrollment of Mary Dean et al. as Cherokee Freedmen.  
-----

On October 13, 1904 the applicant was notified by registered mail, and on October 25, 1904 the attorneys for the Cherokee Nation were notified by mail, that the application of Mary Dean for the enrollment of herself and her minor children as Cherokee Freedmen would be taken up by the Commission to the Five Civilized Tribes, at its offices in Muskogee, Indian Territory, on November 14, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration.

Now on this 14th. day of November, 1904, this cause coming on to be heard, pursuant to said notice, said applicant being called, failed to appear either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

H. M. Vance, being duly sworn, states that, as Stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 14th. day of November, 1904, and that the above and foregoing is a full, true, and correct transcript of his stenographic notes of said proceedings on said date.

100-28070-  
Subscribed and sworn to before me this the 28 day of December, 1904.

*Charles H. Spogey*  
Notary Public



Cherokee Freedmen-D-31.


DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory. November 14, 1904.

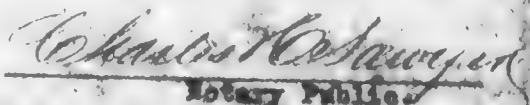
-----  
Supplemental proceedings in the matter of the application  
for the enrollment of Mary Dean et al. as Cherokee Freedmen.  
-----

On October 13, 1904 the applicant was notified by registered mail, and on October 25, 1904 the attorneys for the Cherokee Nation were notified by mail, that the application of Mary Dean for the enrollment of herself and her minor children as Cherokee Freedmen would be taken up by the Commission to the Five Civilized Tribes, at its offices in Muskogee, Indian Territory, on November 14, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration.

Now on this 14th. day of November, 1904, this cause coming on to be heard, pursuant to said notice, said applicant being called, failed to appear either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Ball, Hastings & Davenport, submits this case upon the evidence now of record.

H. M. Vance, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 14th. day of November, 1904, and that the above and foregoing is a full, true, and correct transcript of his stenographic notes of said proceedings on said date.

  
Subscribed and sworn to before me this the 28 day of December,  
1904.

  
Notary Public

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*93m*  
*100*

In the matter of the application for the enrollment of  
Nancy Humphries, et al., as Cherokee Freedmen, consolidating the  
applications of:

Nancy Humphries, et al.,	Cherokee Freedmen D	50
Mary Dean, et al.,	"	51
Anna Jones, et al.,	"	52.

-1-

D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Nancy Humphries for herself and minor children, Thomas and William Humphries; by Mary Dean for herself and minor children, Henry and Samuel Dean; and by Anna Jones for herself and minor children, Nancy, George and Ida May Jones.

The evidence in this case shows that the applicant, Nancy Humphries, was the slave of a Cherokee citizen at the commencement of the rebellion, and that she continuously resided in the Cherokee Nation from her birth until about the year 1870, when she, with her husband, one Eph Humphries, removed to Emporia, Kansas, where the said Eph Humphries died about the year 1875, and that thereafter she married one Johnson, a non-citizen of the Cherokee Nation, and removed to Parsons, Kansas, where she resided until about the year 1890, when she removed to the Creek Nation, Indian Territory, and has since continuously resided there in.

The evidence does not show that Eph Humphries, deceased, possessed any rights to Cherokee citizenship, but in view of the facts established by the evidence in this case it is considered by the Commission that whatever rights he may have possessed as a citizen of the Cherokee Nation, together with those of his wife, the said applicant, Nancy Humphries, were forfeited under Section 11, Article I, of the Cherokee Constitution, which, in part, provides:

Whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease.

The evidence further shows that the applicants, Thomas and William Humphries, Mary, Gentry and Samuel Dean and Anna, Nancy, George and Ida May Jones, were born since 1865, are descendants of the said Bob Humphries, deceased, and the said applicant, Nancy Humphries, and possess no rights to enrollment as Cherokee freedmen other than as such descendants. Accepting the Kern-Clifton roll, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of the Commission.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Nancy Humphries, Thomas Humphries, William Humphries, Mary Dean, Gentry Dean, Samuel Dean, Anna Jones, Nancy Jones, George Jones and Ida May Jones, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 20, 1906 (34 Stat., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

*Tame Bixby.*

Chairman

(SIGNED).

*T. B. Needles.*

Commissioner

(SIGNED).

*C. R. Breckinridge.*

Commissioner

Wakarusa, Indian Territory.

JUN 10 1905

This

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY,  
DECEMBER 31, 1903.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Mary Dean and Anna Jones as Cherokee freedmen.

APPEARANCES:

For Applicants, Masterson Peyton.

For Cherokee Nation, J. S. Davenport.

NANCY HUMPHRIES, being first duly sworn, testified as follows:

BY MR. PEYTON:

- Q What is your name? A Nancy Humphries.
- Q Where do you live? A Here in Muskogee.
- Q Where were you born and raised? A In the Cherokee Nation.
- Q About how old are you now? A I don't know, I am 58 or '9, I don't know.
- Q State whether you are the mother of Mary Dean and Anna Jones? A I am the mother of them.
- Q Where were Mary Dean and Anna Jones born? A In the Cherokee Nation.
- Q Did you go from the Cherokee Nation up to Kansas? A Yes sir.
- Q State whether you took Mary Dean and Anna Jones with you to Kansas? A Yes sir.
- Q State how old Mary Dean was when you went to Kansas? A I don't know, she was 5 or 6 years old, she was a little bit of thing.
- Q State when you went to Kansas as near as you can? A I don't know how long it has been since I went to Kansas.
- Q You have no education? A No sir.
- Q You haven't kept any record of the years and months? A Yes sir.
- Q You stated awhile ago that Mary Dean was about 5 or 6 years old when you went to Kansas? A Yes sir.
- Q How old do you think Mary Dean is now? A I don't know sir, I have no idea how old she is now.
- Q How old was Anna Jones when you went to Kansas? A She was my baby nursing.
- Q Where did you first live in Kansas? A Parsons where I first stopped.
- Q About how long did you live at Parsons? A I don't know sir, it might have been a year, and might not have been so long.
- Q Where else did you live in Kansas? A I went to Emporia, Kansas, and stayed awhile.
- Q About how long did you stay at Emporia? A 3 or 4 months I reckon.
- Q State whether you then returned to the Indian Territory? A I came from Emporia back to Muskogee, and from Muskogee down to the Territory.
- Q Where did you stop in the Territory? A Between the rivers.
- Q Which rivers? A Arkansas and Verdigris.
- Q In the Cherokee Nation? A No sir, that was the Creek Nation, the first place I stopped.
- Q How old was Mary Dean when you came back to the Indian Territory? A Well I don't know how old she was just a little bit of a thing.
- Q You mean Anna Jones? A She was my baby. Mary was small and Anna was my baby.
- Q How long did you stay in the Indian Territory when you came back the first time? A I stayed here, been here all the time.



- Q But you went back to Kansas, didn't you? A Yes sir, just went back a little while and come right back again.
- Q How many crops did you make in the Indian Territory before you went back to Kansas? A About three I think.
- Q Then what point did you go to in Kansas? A Went back to Parsons.
- Q About how long did you live at Parsons? A I didn't stay there long, I come right back down here.
- Q You say you have lived here ever since? A Yes sir.
- Q About how old was Mary Dean when you came back to the Indian Territory to live the last time? A I don't know, I never kept no count.
- Q About how large a girl was she? A About this high (indicating about 3 1/2 feet).
- Q About how old was Anna Jones when you came back to the Territory to live the second time? A I don't know how old she was, 8 or 9 years old, maybe not that old, I don't know, I never kept no count of their ages at all.
- Q About how old was Mary Dean when Anna Jones was born? A I think 3 years between their ages, I think.
- Q State whether Mary Dean was ~~given~~ more than 15 years old when you came back to the Territory the last time to live? A No sir, she was less than 15 I think.
- Q State whether Anna Jones was more than 10 years old when you came back to the Territory to live the last time? A No sir, I don't think she was, she might.
- Q State whether Mary Dean and Anna Jones have lived in the Indian Territory ever since you came back from Kansas this last time?
- A Yes sir.
- Q You are the same Nancy Humphries that has heretofore testified in this case? A Yes sir.

BY MR. DAVENPORT:

- Q Did you go out of the Nation during the war? A No sir.
- Q When did you go out of the Nation, the Cherokee Nation I am speaking of? A Way after the war.
- Q About when? A I don't know how long it has been since I went.
- Q You went first you say to Parsons? A Yes sir.
- Q And you stayed in Parsons how long? A I don't know how long.
- Q Did you take Mary and Anna with you to Parsons? A Yes sir.
- Q When you went from Parsons to Emporia what did you do with them?
- A Taken them with me.
- Q How many years did you live in Emporia, Kansas? A I don't think I stayed there a year, just went there to see my mother.
- Q You know how long you stayed there. You know old Captain Anderson who lived in Emporia and contractor? A No sir.
- Q Do you know F. V. Sedgwick, a lawyer who lived there in the latter part of the '80's, afterwards moved to Parsons and became General Attorney for the N. K. & T. R. A I don't know him. What did you say his name was?
- Q Tom Sedgwick? A I don't know him.
- Q Can you tell me how long you stayed at Emporia? A I reckon it was a year.
- Q Your mother lived there? A Yes sir.
- Q What was her name? A Mary Riley.
- Q She lived there until her death? A Yes sir, she died there.
- Q Your father was Joe Riley? A That was my step father.
- Q He lived with Mary at Emporia until his death? A Yes sir.
- Q You were his step daughter and lived in the family and you and Humphries were married up there at Emporia? A No sir, married at Fort Gibson.
- Q When you came back from Parsons to Emporia how long did you stay?
- A Not very long.
- Q And you then moved back to the Creek Nation? A Yes sir.



- Q How long did you stay in the Creek Nation before you went back again? A I only went back once after the first time I came from there.
- Q Have you ever been back or lived in the Cherokee Nation since you moved to Kansas and lived at Parsons and Emporia? A No sir, just come there and stayed awhile.
- Q Where do you live now? A She lives here now.
- Q Where had she been living prior to the time of her coming here? A On Fourteen Mile Creek.
- Q Is she married? A Yes sir.
- Q When did she marry? A I don't know when she married.
- Q How many years ago, can't you approximate it, where was she living when she married? A She married here.
- Q In Muskogee? A Yes sir.
- Q She wasn't living on Fourteen Mile Creek when she married, was she? A No sir.
- Q Had Anna ever lived in the Cherokee Nation from the time you took them and went to Kansas up until the time she got married? A No sir.
- Q Where is Mary living at the present time? A Here.
- Q In Muskogee? A Yes sir.
- Q How long has she been living in Muskogee? A Been living here a good while.
- Q Has Mary ever lived in the Cherokee Nation since you took her and went to Kansas with her? A She has never had no home there.
- Q How long has it been since Mary got married? A I can't tell you those things since I don't know.
- Q Which married first, Mary or Anna? A Mary of course.
- Q Each of them have two or three children, haven't they? A Mary has got two.
- Q And Anna three, hasn't she? A Yes sir.
- Q Where were those children born around here in the Creek Nation or in Kansas? A None of them born in Kansas.
- Q Did Anna marry in Kansas? A No sir, married here.
- Q Mary married in Kansas didn't she? A Her husband is a Creek citizen.
- Q Didn't Mary marry in Kansas? A She married here.
- Q Both married here in Muskogee? A Yes sir.
- Q And they are still living in the Creek Nation? A Yes sir.
- ON EXHIBIT OF THE COMMISSIONER:
- Q Where did you go from when you went to Parsons? A Down here on Three Mile Creek.
- Q Is that in the Cherokee Nation? A Yes sir.
- Q Were Mary and Anna both born there? A Yes sir.
- Q You took them both with you? A Yes sir.
- Q Where was Mary's children born, were either of them born in the Cherokee Nation? A Born in the Creek Nation.
- Q Was either of Anna's children born in the Cherokee Nation? A Born here.
- Q All of their children were born in the Creek Nation? A Yes sir.
- Q You can't remember how old Anna was when she returned to the Creek Nation out here between the Arkansas and Verdigris Rivers? A No sir, I don't know exactly their age, they were nothing but children.
- Q Has either of them lived in the Cherokee Nation since their return? A Anna has.
- Q Where? A On Fourteen Mile Creek.
- Q When, was she before or after her marriage? A After she was married.

- Q How long did she live there? A I don't know, she lived there up until I reckon it has been two or three years ago.
- Q Up until two or three years ago? A Yes sir, I don't think it has been any longer than that.
- Q Do you know about how many years she lived there? A No sir, I don't.
- Q Up until after she was married she never lived in the Cherokee Nation at all, because she lived here with you? A She was living with me all the time until she married.

W I T N E S S E X C U S E D.

MARY DEAN, being first duly sworn, testified as follows:

BY MR. PEYTON:

- Q Your mother is Mary Dean? A Yes sir.
- Q You are a daughter of Nancy Humphries? A Yes sir.
- Q Where were you born? A On Fourteen Mile Creek in where she told me, Cherokee Nation.
- Q State whether you remember when your mother moved to Kansas? A No sir, I can't state cause I don't know, I wasn't big enough to know.
- Q About how old are you now? A I couldn't tell you my age cause mother doesn't know it and I don't know of course.
- Q About what was your age when your mother returned from Kansas to the Indian Territory? A I don't hardly know, I was quite small.
- Q How long did you and your mother live in the Indian Territory the first time you returned from Kansas? A I don't know sir, I could not hardly tell, I wasn't big enough to remember how long it was. I don't know anything about it, I was too small.
- Q State, if you know, how many crops your step father made while in the Indian Territory the first time? A I think he made one or two if I ain't mistaken.
- Q Then you returned to Kansas with your mother? A Yes sir.
- Q How long did you live in Kansas that second time? A I believe we stayed there two years.
- Q Then where did you move to? A Back here to the Creek Nation.
- Q About what was your age when you moved back to the Creek Nation? A I was quite a good size girl.
- Q Old enough to work? A I wasn't old enough to do nothing but pick up a few corn stalks and lay around the field.
- Q Where did you first live when you returned to the Indian Territory? A Over between the rivers.
- Q Near what town? A Gibson Station was the nearest town then.
- Q How long did you live there? A Lived there a little while.
- Q About how many years? A I don't remember how many years it was, we lived there quite a while and then we moved on this side down on the Arkansas down on the Judge Cherry farm.
- Q How long did you live there? A I guess about 8 or 10 months.
- Q Then where did you move to? A Here to town and have been here ever since.
- Q How long after you came from Kansas before you were married? A I don't know sir, I guess it was sometime cause I was just a little but of a tot of a girl when we came down here.
- Q How many children have you? A Two.
- Q They live here in the Creek Nation? A Yes sir.
- Q Were you as much as 18 years of age when you came from Kansas to the Indian Territory? A No sir.
- Q State whether you have lived in the Cherokee Nation since you have returned from Kansas? A No sir.

BY MR. DAVENPORT:

- Q How long have you been married? A I couldn't hardly tell you how long I have been married.
- Q Were you married in Muskogee? A Yes sir.
- Q You have two children? A Yes sir.
- Q Had you married when you applied for enrollment in this case? A Yes sir.
- Q Were you married then? A Yes sir.
- Q Your husband lives in the Creek Nation? A Yes sir.
- Q You haven't lived in the Cherokee Nation since your mother went to Kansas with you years ago? A No sir.
- Q Do you remember when you and your mother were living at Harperia, Kansas? A Yes sir.
- Q Can't you recollect anything about that? A No sir.
- Q Can you remember when you were living in Parsons, Kansas? A Yes sir, I can remember that.
- Q Didn't you go to school at either of these places and learn to read and write? A Went to school precious little.
- Q You came from Kansas back to the Creek Nation? A Yes sir.
- Q And have continued to reside here ever since? A Yes sir.
- Q Don't you know about how old you are? A No sir, how do I know when mother doesn't know it.
- Q Where were you living when the Kern-Clifton roll was made? A Here in Muskogee.
- Q You hadn't married at that time? A Yes sir.
- Q You were married when the Kern-Clifton roll was made? A Yes sir.
- Q How long had you been living at Muskogee when that roll was made? A I don't know how long since I didn't keep account of the years.
- Q Do you remember when you came, what year you came from Kansas back to the Territory? A No sir, I hardly do, I think it was somewhere along about between '81 and '82.
- Q That you came from Kansas back to the Territory? A Yes sir, the first time.
- Q When did you go back to Kansas again to live? A Somewhere along between '83 and '84, I don't know which.
- Q Well you are not on the 1880 roll? A 1880 Roll.
- Q Yes, the roll made 22 years ago? A I don't know whether I was or not.
- Q You applied to the Commission here for enrollment didn't you? A Yes sir.
- Q You know you were not on the 1880 roll didn't you? A No sir, I don't know nothing about the '80 roll.
- Q Have you any idea how old you are? A No sir.
- Q You are about, you are more than 25 ain't you? A I don't know sir, I couldn't tell you that.
- Q Well you have been married 12 or 14 years haven't you? A Yes sir.
- Q How long had you been back from Kansas before you married? A I don't know sir, I told you that.
- Q You got married right a way after you got back? A No sir, I didn't.
- Q Had to meet him and court him after you got back? A Of course I did, I didn't know him when I came back.

BY MR. DAVENPORT:

- Q When you came back in 1881 or 1882 as you stated from Parsons, Kansas, did you locate with your mother out between the Arkansas and Verdigris Rivers? A Yes sir.
- Q That is in the Creek Nation? A Yes sir.
- Q Were both of your children born in the Creek Nation? A Yes sir.
- Q Their names are Gentry and Samuel? A Yes sir.
- Q Both living at this time? A Yes sir.
- Q You never have made your home in the Cherokee Nation since you lived with your mother when she left the first time and went to Kansas? A No sir, just raised right here.

WITNESSES EXAMINED.



ANNA JONES, being first duly sworn, testified as follows:

BY MR. PHYTON:

- Q Your name is Anna Jones? A Yes sir.
- Q State whether you are a daughter of Nancy Humphreys? A I am.
- Q About how old are you Anna? A About 22, I think, or 23, I don't know which, it is one of the two.
- Q State whether you remember when your mother moved from the Cherokee Nation to Kansas? A I don't remember.
- Q State whether you remember living in Kansas? A I do in Parsons.
- Q About how old were you when your mother returned to the Indian Territory from Kansas? A I was a small girl, I don't exactly know my age, I don't remember of ever knowing my age at that time.
- Q How many years or seasons did your mother live in the Indian Territory when she returned the first time? A About three I think, if I make no mistake.
- Q Did she then return to Kansas? A Yes sir.
- Q About how long did she live in Kansas the last time? A About a year or two.
- Q Then did she return to the Indian Territory? A Yes sir.
- Q About what was your age when she returned with you to the Indian Territory the last time? A I don't know, I guess about 10 years old, of course I want say for sure, I was a small girl.
- Q State whether you have resided in the Cherokee Nation since you returned to the Indian Territory? A I have since I have been grown, not while I was a child. I spent about 3 years there since I was grown and married.
- Q At what point did you live in the Cherokee Nation? A About three miles up there from Melvin on Fourteen Mile Creek.
- Q Did you reside there all the time you lived in the Cherokee Nation? A Right there at the one place, it was my little place, of course, I have lost it, some one filed on it.
- Q And you or your husband improved that place? A Well we didn't improve it, we got it from a cousin of mine. Of course we improved it some and had a box house on it.
- Q You bought the improvements that were already on it? A Yes sir, a little log house and about 10 acres in cultivation.
- Q State whether you and your husband bought that place with the intention of making your home in the Cherokee Nation? A I did.

Mr. Davenport: I object as to being incompetent, irrelevant and immaterial as to what their intentions were.

On Behalf of the Commissioner: Objection noted.

- Q State whether you stayed on that place all of the time that you were in the Cherokee Nation? A I did, the time that I lived there stayed right there on that place.
- Q Did you buy the improvements on that place for the purpose of making a home out of it?

Mr. Davenport: I object to it as being incompetent and immaterial.

On Behalf of the Commissioner: Objection noted.

- Q State whether you and your husband sold the place or whether it was allotted by some one else? A It was allotted by some one else.
- Q Was that the reason you gave it up? A Yes sir.

Q Why did you know leave the Cherokee Nation?

Mr. Davenport: I object to that, it is incompetent, irrelevant and immaterial as to why she left.

On Behalf of the Commissioner: Objection noted.

A I left there just simply because I wanted to.

Q Where did you move back to, Muskogee? A Yes sir, wasn't any need of my staying there, I had to get off.

Q It is a fact you moved out because you had to get off of it?

A Yes sir.

BY MR. DAVENPORT:

Q What year did you marry? A Along in '86 as near as I can remember, I married when I was quite young.

Q Where were you living at the time you were married? A Here in Muskogee.

Q How long had you been living here before your marriage? A I had been living here quite a while, a short time not exactly in town, out in the country.

Q From the time your mother had taken you and your sister and gone to Kansas you had never lived in the Cherokee Nation until after you had married? A Never had.

Q How long had you been married before you and your husband moved over to the Cherokee Nation? A We were married a long time.

Q What year did you move to the Cherokee Nation? A I don't remember.

Q It was subsequent to June 28, 1893, before you moved there? A It was right after the Kern-Whitten payment.

Q About how long after that payment? A I think it was the next year, I am not sure.

Q You lived there a few years and then you moved back to the Creek Nation? A Yes sir.

Q How long did you live in Georgia, Kansas? A I don't remember.

Q How long did you live in Parsons? A I won't dare say I was well when we came down here.

Q You remember coming to Parsons and living there? A I remember being there and remember living there.

Q You are now what age? A 22 or 23.

Q Your mother moved back from Kansas about 1890 didn't she? A She moved back before that.

Q What year did she come back then? A I don't know exactly I was small. We came back in about '89 somewhere, I won't say for sure I was quite small.

Q You don't mean to say your mother has been living in the Cherokee Nation since 1890? A I won't say I was small then.

Q How is it neither of you girls can remember any dates nor ages.

Didn't you go to school in Kansas? A Yes sir, a little bit, never got any higher than the first reader in my life.

Q The only time you have lived in the Cherokee Nation at all since your mother took you away you say is that little time you and your husband lived over there in the Cherokee Nation? A Yes sir.

Q And that was some year's after you were married before you moved over there? A Yes sir.

Q Don't you know the year you were married? A In '86, we were along there.

Q That is about 19 years ago? A Yes sir, somewhere along there, it has been quite a while since I was married.

Q Was your first husband? A Sam Jones.

Q Have you had a second husband? A I have.

Q What is his name? A John Dean.



- Q How was Sam Jones or Dean you lived with in the Cherokee Nation?  
 A It was Sam Jones.  
 Q Where is he? A Somewhere in the Cherokee Nation.  
 Q These are his children? A Yes sir, the three children are Sam's.  
 Q Is he a Cherokee freedman or State man? A State man.  
 Q Where are the children? A They are with him.  
 Q And you and Dean are living here in Muskogee now? A Yes sir.

BY MR. PEYTON:

- Q In examining the card rolls I see they have you and your sister Mary Dean both down as age 29 in 1901? what is the difference in your ages? A There is a year or two differences in our ages, of course I am the youngest. All we know is what my mother gave me. She has a very poor recollection herself, all I can tell is what she gave me.

FOR MR. DAVENPORT:

ON BEHALF OF THE COMMISSIONER:

- Q Which is older you or Mary? A Mary.  
 Q Your children, Nancy, George and Ida May are now living? A Yes sir.  
 Q Nancy is not married? A No sir.  
 Q Your husband's full name John Dean? A Yes sir.  
 Q Is he a citizen of the Cherokee nation? A No sir, citizen Creek Nation.  
 Q When were you and he married? A 1902.  
 Q What month? A August 31.  
 Q You and he are living together now? A Yes sir.  
 Q Who drew your Ken-Clifton money? A I drew it myself.  
 Q About how long after you drew your money was it before you moved to the Cherokee nation? A If I make no mistake about the next year.  
 Q You think it was about the next year that would be 1907? A Yes sir, somewhere along there.  
 Q Then how many years did you live there? A About three years.  
 Q Did you own your place there? A I did.  
 Q You live on it? A I did.  
 Q Where was Nancy born? A Muskogee.  
 Q George? A Muskogee.  
 Q Ida? A Muskogee all of them Muskogee.  
 Q When your mother returned from Kansas she stayed out between the Arkansas and Verdigris Rivers? A Yes sir.  
 Q You lived there with her? A I did.

This case was here adjourned by agreement until January 4, 1906, at two o'clock P. M.

Geo. H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*Geo. H. Lesley*

Subscribed and sworn to before me this 3rd day of January, 1906.

*Myra S. White*  
 Notary Public

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., January 4, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARY DEAN and ANNA JONES as Cherokee freedmen.

APPEARANCES:

For Applicant, Masterson Peyton.

For Cherokee nation, James S. Davenport.

The hearing in this case was continued by agreement between the Attorneys for the applicant and Cherokee Nation, from December 21, 1905, to January 4, 1906, at which time the following proceedings were had.

TENNESSEE CLARK, being first duly sworn, testified as follows:

BY MR. PEYTON:

- Q Your name is Tennessee Clark? A Yes sir.
- Q Where do you live? A Between the river, known as Marshall Town.
- Q Between what rivers? A Between the Arkansas and Verdigris.
- Q How long have you lived in the Creek Nation? A All my days.
- Q How old are you now? A 54.
- Q State whether you know Nancy Humphires, the mother of Anna Jones and Mary Dean? A Yes sir, I knew her.
- Q Do you know Anna Jones and Mary Dean? A Yes sir.
- Q How long have you known them? A I judge it to be about 24 years since I knew them.
- Q Where were they living when you first knew them? A They came from Kansas, and stopped on the adjoining farm to me and located there.
- Q State whether you were living then at the same place you are living now? A I am living in town now but my farm is out there, I moved from there about three months ago to town.
- Q State whether Anna Jones and Mary Dean came to the neighborhood where you live with their mother? A Yes sir.
- Q You understood their mother was Nancy Humphires or Nancy Johnson?
- A Yes sir, Nancy Johnson when I knew her.
- Q Have they or either of them made any statement as to where they came from to that neighborhood, that is Mary Dean or Anna Jones or Nancy Johnson? A Nancy Johnson said they came from Kansas.
- Q State as near as you can when they came to that neighborhood? A I couldn't tell you only I think my eldest girl was about 10 or 11 when they came there.
- Q How old is your eldest girl now? A 14.
- Q State whether you have seen Anna Jones and Mary Dean and Nancy Johnson today? A I didn't see them until I got out of the cab there.
- Q They are out here in the hall now? A Yes sir.
- Q State whether they are ~~identical~~ identical the same people?
- A Yes sir.
- Q That came to your neighborhood about 24 years ago? A Yes sir.
- Q State as near as you can the age of Mary Dean when her mother brought her and Anna Jones to your neighborhood? A I judge Mary Dean to be about 12 and Anna about 9, they were pretty near the size of my children, that is I thought them to be, they played at my house every day.

- Q In answer to a former question you spoke of the age of one of your children, but didn't say anything about the age of the other, which child do you refer to now? A That is Willie Clark but he isn't living now, he is dead.
- Q State whether Mary Dean was older or younger than your oldest child? A I think she was a little older, I don't know her age at all but I think she was a little older than my girl.
- Q Was she larger or smaller? A She was a little larger, still they were near one size, wasn't much difference you know.
- Q State whether she was under 18 years of age at that time? A Yes sir, she was under 18, she was a little girl about that high.
- Q How many feet is that? A I don't know (indicating about 4 feet). She was small when she came there.
- Q State just how you fix the probable age of Anna Jones? A Well I taken her age by my boy, they were together all the time and I used to joke them and say she was his girl, they were near the size and I think she was maybe about 9.
- Q Your boy was about 9? A Yes sir.
- Q How old did you say he would be if living now? A 32.
- Q How long did Nancy Humphries and Mary Dean and Anna Jones live in that neighborhood? A I couldn't tell you, quite awhile, the children had growed some but they were not of age, and they moved from there, I don't know where they were then but I have seen their mother in Muskogee lots of time, if they went out of the Nation the second time, I don't know anything about that.
- Q What is your best recollection as to the number of years they remained up there? A I would not like to say, I like to tell the truth, I don't know.
- Q Do you think it was 4 or 5 years? A Yes sir, about that I guess, maybe a little longer.
- Q State whether Mary Dean and Anna Jones were full grown women when they left that neighborhood? A No sir, they were not.
- BY MR. DAVENPORT:
- Q Can you tell me the year that Nancy Johnson and her children moved from Parsons to the Creek Nation? A No sir.
- Q Can you remember the year when the general strike was on the N. K. & T. Railroad? A No sir.
- Q Do you remember when Alexander Lewis robbed the train at the Verdigris bridge? A No sir, not the year but I remember the time.
- Q I will ask you if it wasn't in 1888? A I don't know the year but heard it was robbed, that is all.
- Q You remember there was a number of people taken to Fort Smith as witnesses in that case and the case was pending there until the latter part of the '90's until it was disposed of? A I don't know.
- Q I will ask you if at the time of that train robbery if Nancy Johnson was living in that community? A I don't know.
- Q I will ask you if it isn't a fact that Dan Williams, a porter on the train on the railroad was living in Parsons and Nancy Humphries was living there as his wife? A I don't know about that.
- Q You can't tell what year it was they left Kansas? A No sir.
- Q You knew they came from Kansas to the Creek Nation? A Yes sir.
- Q Had you known them before that? A No sir.
- Q Did you know the oldest girl, Mary, had been living with a man as his wife by the name of Samuel Jones before she came here? A No sir, I don't know anything about it.
- Q The fact you don't know anything about when they came from Kansas, do you know as to years? A No sir.
- Q And you don't know anything about the age, of your own knowledge? A No sir.
- Q You were only judging about the size of the girls? A No sir.

BY MR. PHITON:

Q You didn't know any other husband of Nancy Humphries or Johnson excepting the husband that came there with her? A No sir.

ON BEHALF OF THE COMMISSIONER:

Q Do you know where Nancy went when she left there? A No sir.

Q Do you know where Mary has been living since that time? A No sir.

Q Do you know where Anna has been living since then? A I think she lived at Wagoner while after she married, she married a man named Sam Jones, Anna did, she lived in Wagoner with him.

BY MR. PHITON:

Q Do you remember anything about the date of the robbery he speaks of? A No sir.

Q How when Anna came to that neighborhood you say she was only about 9 year of age? A Yes sir, when she first came there, some say they went back to Kansas but I don't know nothing about that.

Q When she left your neighborhood had she ever been married? A No sir.

Q How old was she when she left your neighborhood? A I don't know.

Q How large was she? A A good size girl about that high (indicating about 4 1/2 feet). I don't know, she was just a girl when she left my neighborhood.

Q Was Mary Dean still a girl when she left there? A Yes sir, I would taken her for a girl. I know my child was a girl for I had her in school.

Q At that time? A Yes sir, I had her in school at Parsons.

Q How old was your girl when they left? A I don't know just exactly when they left and I think my girl was at Parsons, and she was in Parsons school at 12 years old.

Q How long did your girl go to school at Parsons? A She didn't stay long, she taken sick at Parsons and I brought her home and put her in Tallahassee mission and she graduated there.

Q She never went back to Parsons? A No sir.

WITNESSES EXCUSED.

The Attorneys for the applicants and the Cherokee Nation announce that they have no further testimony to introduce in this case, the same will be closed and a decision rendered on the evidence heretofore introduced.

Geo. H. Linsley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*Geo. H. Linsley*

Subscribed and sworn to before me this 11th day of January, 1904.

*Chas. H. Hebert*  
Notary Public.



COPY

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

---

In the matter of the application for the enrollment of  
Mary Dean, et al., as Cherokee freedmen, consolidating the appli-  
cations of:

Mary Dean, et al.,  
Anna Dean, et al.,

Cherokee freedmen B 31  
Cherokee freedmen D 32

DECISION

THE RECORDS OF THIS OFFICE SHOW: That application for en-  
rollment as Cherokee freedmen were made to the Commission to the  
Five Civilized Tribes by Mary Dean for herself and minor children,  
Gentry and Samuel Dean, and by Anna Jones for herself and minor  
children, Nancy, George and Ida May Jones.

The records further show that on June 16, 1905, the Commis-  
sion to the Five Civilized Tribes consolidated the applications  
of Nancy Humphries for herself and minor children, Thomas and  
William Humphries; Mary Dean for herself and minor children, Gentry  
and Samuel Dean, and Anna Jones for herself and minor children,  
Nancy, George and Ida May Jones, for enrollment as Cherokee freed-  
men, and rendered its decision therein denying said applicants  
the right to enrollment as Cherokee freedmen, and that thereafter  
on December 1, 1905, (I.T.D. 7753-1905) the Department approved said  
decision insofar as it denied the application for the enrollment  
of Nancy, Thomas and William Humphries as Cherokee freedmen, and  
remanded said case to this office for further hearing and readjudi-  
cation as to all the other applicants. Further proceedings in the  
matter of said applications were had at Muskogee, Indian Territory,  
December 21, 1905, and January 4, 1906. The testimony taken at  
Muskogee, Indian Territory on December 21, 1905, shows that Anna  
Jones prior to September 1, 1863, was married to one John Dean,  
and she will now be listed for enrollment as Anna Dean.

THE EVIDENCE IN THIS CASE SHOWS: That the principal appli-  
cants herein, Mary Dean and Anna Dean, are descendants of Eph and  
Nancy Humphries and claim the right to enrollment as Cherokee  
freedmen as such descendants; that they were born in the Cherokee  
Nation since 1866, and resided therein from the date of their  
births until about the year 1870, when they were taken by their



parents to the state of Kansas, where they continued to reside until about the year 1890, and neither owned nor controlled any property in the Cherokee Nation. The Commission to the Five Civilized Tribes on June 16, 1905, found that the said Eph and Nancy Humphries by their removal from the Cherokee Nation in 1870, and their continued residence in the state of Kansas, forfeited under Section II, Article I of the Cherokee Constitution which in part provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease. . . . ."

whatever right they may have possessed to Cherokee freedmen citizenship, and on December 1, 1905, (I.T.D.7758-1905) its finding was approved by the Department.

It is considered that the principal applicants herein, Mary Dean and Anna Dean, forfeited, with their parents, under the provisions of Section II, Article I of the Cherokee Constitution above noted, any right they may have possessed to Cherokee freedmen citizenship, and that the minor applicants, Gentry and Samuel Dean, and Nancy, George and Ida May Jones, children of the said principal applicants, born since their said parents forfeited their right to Cherokee freedmen citizenship, neither claim nor possess any right to enrollment not possessed by their said parents. Excepting the Kern-Clifton roll, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS THEREFORE ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495) Mary Dean, Gentry Dean, Samuel Dean, Anna Dean, Nancy Jones, George Jones and Ida May Jones are not entitled to enrollment as Cherokee freedmen and their applications for enrollment as such are accordingly denied.

SIGNED *Tams Bixby*,  
Commissioner.

Dated at Muskogee, Indian Territory  
this JAN 18 1907

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**  
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mary Dean,

Muskogee, Indian Territory,

Cherokee F-D-31

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee Freedmen  
B-30-31-32.

Muskogee, Indian Territory, June 25, 1904.

W.W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory,

Dear Sir:

In the matter of the applications for enrollment of Nancy Humphries et al., Mary Dean et al., and Anna Jones et al. as Cherokee Freedmen, you are advised that before a final decision can be rendered in these cases it will be necessary that further testimony be introduced as to the residence of Nancy Humphries since the close of the war of the rebellion, and as to the residence of the other principal applicants since their births.

The applicants have accordingly this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Friday, July 15, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Chairman.

Cherokee Freedman

D. 31

Muskogee, Indian Territory, June 28, 1904.

Mary Dean,

Muskogee, Indian Territory,

Dear Madam:

In the matter of your application for the enrollment of yourself and others as Cherokee Freedmen, you are advised that before the Commission can render a final decision in your case it will be necessary that further testimony be introduced as to the residence of your mother, Nancy Humphries, since the war of the rebellion, and to your residence since birth.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock on Friday, July 18, 1904, and introduce testimony as above indicated.

Respectfully,

Chairman.

Cherokee Freedmen

D-31.

Muskogee, Indian Territory, August 10, 1904.

Wm. Dean,

Muskogee, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the residence of your mother, Nancy Humphries, since the close of the war of the rebellion, and as to your residence since birth.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, September 19, 1904, and introduce the testimony of such witnesses as you may be able to procure touching on the points above mentioned.

Respectfully,

Register.

Commissioner in Charge.



COPY.

Cherokee Freedmen

D-31.

Muskogee, Indian Territory, June 16, 1906.

Mary Dean,

Muskogee, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself, et al., as Cherokee freedmen, together with a copy of the Commission's decision dated June 16, 1906, rejecting among others, your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED:

James E. Kirby

Chairman

Incl. 8-280  
Register.

COPY.

Cherokee Freedmen

9-10, et al.

Muskogee, Indian Territory, June 16, 1906.

Bell, Hastings & Davenport,  
Attorneys for the Cherokee nation,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1906, rejecting the applications for the enrollment of Nancy Humphries, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 9-10.

Witness my hand and seal this 16th day of June, 1906.  
Tams Bixby,  
Chairman.

COPY.

Cherokee Freedmen  
D-20, et al.

Washoe, Indian Territory, June 18, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Henry Humphries, et al., as Cherokee freedmen, including the Commission's decision dated June 18, 1905, rejecting said applications.

Respectfully,

(SIGNED)

*Jane Birney*

Chairman.

Encl. 2-103.

Through the

Commissioner of Indian Affairs.

Land  
47207-1905

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

June 24, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Nancy Humphries for herself and her minor children, Thomas and William Humphries; by Mary Dean for herself and her minor children, Gentry and Samuel Dean; and by Anna Jones for herself and her minor children, Nancy, George and Ida May Jones.

June 16, 1905, the Commission decided adversely to all the applicants.

The record shows that Nancy Humphries was the slave of a Cherokee citizen at the beginning of the war of the rebellion, and that she continuously resided in the Cherokee Nation from her birth until about the year 1870 when she with her husband, one Eph Humphries, removed to Emporia Kansas, where Eph Humphries died about the year 1879; that thereafter she married one Johnson a non-citizen of the Cherokee Nation and removed to Parsons, Kansas,

where she resided until about 1890, when she removed to the Creek Nation, Indian Territory, and has since continuously resided therein.

The record does not show that Eph Humphries, deceased, possessed any rights to Cherokee citizenship. The record further shows that the other applicants were born since 1866, are descendants of Eph Humphries and Nancy Humphries and possess no rights to enrollment other than as such descendants. None of the applicants is identified on any Cherokee roll except the Kern-Clifton.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully

C. F. Larrabee

Acting Commissioner

M.M.M.

W



D.C. 54648-1905

I.T.D. 7758-1905  
LRS

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

Y.P.  
L.L.B.

December 1, 1905

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

June 24, 1905(Land 47207), the Indian Office submitting the case involving the application by Nancy Humphries for herself and minor children, Thomas and William Humphries, by Mary Dean for herself and minor children, Gentry and Samuel Dean, and by Anna Jones for herself and minor children, Nancy, George and Ida May Jones, for enrollment as Cherokee freedmen, recommended that the decision of the Commission to the Five Civilized Tribes of June 16, 1905, adverse to the applicants, be concurred in.

The Commission found that Nancy Humphries, through whom the other applicants claim, was a slave of a Cherokee citizen at the commencement of the rebellion, and that she continuously resided in the Cherokee Nation from her birth until about 1870, when she with her husband, Eph Humphries, a noncitizen, removed to Kansas, where he died about the year 1879, and that thereafter she married one Johnson, a noncitizen of the Cherokee Nation, and continued to reside in Kansas until about the year 1890, when she removed to the Creek Nation.

Referring to the law of the Cherokee Creek Nation which provides that "Whenever any citizen shall remove with his effects out of the limits of this nation , and becomes a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease," the commission held that Nancy Humphries forfeited her rights as a citizen of the Cherokee Nation; and that the other applicants born since 1866 possessed no rights to enrollment as Cherokee freedmen other than as her descendants.

The question as to whether Mary Dean and Anna Jones left the Cherokee Nation as minors and returned while minors does not appear to have been seriously considered.

The decision of the Commission as to Nancy, Thomas, and William Humphries is found to be correct and is hereby affirmed.

There is considerable testimony to show that Mary Dean and Anna Jones were born in the Cherokee Nation, possibly several years after the end of the civil war, and that they were taken to Kansas by their parents and were brought back to the Indian Territory--Creek Nation and possibly first to the Cherokee Nation--sometime prior to 1890. Just when it is impossible to tell as the testimony is very conflicting as to dates in this particular and in other respects.

Mary Dean was married, it is alleged in her statement on April 9, 1901, soon after her return to the Indian Territory. Her oldest child, Gentry Dean, was born about 1886. See also as to Anna Jones's children.

On October 13, 1904, the Commission notified the principal applicants that their case would be taken up for further consideration November 14, 1904 and that then they could introduce further testimony. No appearance was made by any of them.

In order, however, that no injustice may be done, and as apparently a thorough effort was not made to ascertain the exact facts as to the date of the birth and the time of the return to the Indian Territory of Mary Dean and Anna Jones, a rehearing is ordered for that purpose as to them and their children, after which you will adjudicate their cases.

The testimony and papers attached thereto and a copy of the Indian Office letter is inclosed.

Respectfully,

(Signed) THOS RYAN  
First Assistant Secretary

2 inclosures

Through the Commissioner  
of Indian Affairs.

Cherokee Freedmen  
D-30, et al.

COPY.

Muskogee, Indian Territory, December 12, 1905.

Bell, Hastings & Davenport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the application for the enrollment of Nancy Humphries, et al., Freedmen D-30, et al., was, on December 1, 1905, affirmed by the Secretary of the Interior as to Nancy Humphries and her children, Thomas and William Humphries, and remanded as to Mary Dean and her minor children, Gentry and Samuel Dean, and Anna Jones and her minor children, Nancy, George and Ida May Jones. Further testimony is desired as to when and where Mary Dean and Anna Jones were born; as to the dates of their departure from, and return to, the Cherokee Nation and as to their residence in said Nation.

Mary Dean and Anna Jones have this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, December 21, 1905, and introduce testimony as above indicated. The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it desires in this case.

--2--

There is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED

Incl. 8-55.

*James O. B. [unclear]*  
Acting Commissioner.



Cherokee freedmen

D-31.

COPY.

Muskogee, Indian Territory, December 12, 1905.

Mary Dean,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, your application for the enrollment of yourself and children, Gentry and Samuel Dean, as Cherokee freedmen, was, on December 1, 1905, remanded to this office by the Secretary of the Interior in order that a further hearing may be had as to the right to enrollment as Cherokee freedmen of yourself and children. Further testimony is desired as to when and where you were born; when you left the Cherokee Nation, and as to the exact time of your return to the Cherokee Nation, and as to your residence in the Cherokee Nation.

You are, therefore, hereby notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, December 21, 1905, and introduce testimony as above indicated. The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it may desire in this case.

-2-

For your information there is inclosed herewith a copy  
of Departmental letter referred to.

Respectfully,

SIGNED

*Wm. C. Dineen*  
Acting Commissioner.

Incl. S-57

Register.

Cherokee Freedmen

COPY.

D-32.

Muskogee, Indian Territory, December 12, 1905.

Mama Jones,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, respecting, among others, your application for the enrollment of yourself and children, Nancy, George and Ida May Jones, as Cherokee freedmen, was, on December 1, 1905, remanded to this office by the Secretary of the Interior in order that a further hearing may be had as to the right to enrollment as Cherokee freedmen of yourself and children. Further testimony is desired as to when and where you were born; when you left the Cherokee Nation, and as to the exact time of your return to the Cherokee Nation, and as to your residence in the Cherokee Nation.

You are, therefore, hereby notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, December 21, 1905, and introduce testimony as above indicated. The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it may desire in this case.

-2-

COPY.

For your information there is inclosed herewith a copy  
of Departmental letter referred to.

Respectfully,

Incl. 8-56

*Register*

RECORDED

*J. M. Beall*  
Acting Commissioner.

Cherokee  
P D 01-02.

Muskogee, Indian Territory, January 15, 1906.

Masteren Payton,

Attorney for Mary Dean, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings had at Muskogee, Indian Territory, on January 4, 1906, in the matter of the application for the enrollment of Mary Dean et al., as Cherokee freedmen.

Respectfully,

Encl. 01-02.

CHL

Commissioner.



Cherokee F.  
D-32

Muskogee, Indian Territory, January 18, 1907.

Anna Dean,

Muskogee, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 18, 1907, rejecting, among others, your application for the enrollment of yourself and children, Nancy, George and Ida May Jones, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. H-65  
JMH

Register.

Commissioner.

Cherokee F.  
D-31 et al.

Muskogee, Indian Territory, January 18, 1907.

Masteren Payson,

Attorney for Mary Dean, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 18, 1907, rejecting the applications for the enrollment of Mary Dean, et al., as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. H-2  
JMH

Commissioner.

Cherokee F.  
D-31 et al.

Muskogee, Indian Territory, January 18, 1907.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 18, 1907, rejecting the applications for the enrollment of Mary Dean, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. B-65  
JMH

Commissioner.

Muskogee, Indian Territory, January 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Mary Dean, et al. (D-31 et al), as Cherokee freedmen, together with the decision of the Commissioner, dated January 18, 1907, denying the applications for the enrollment of Mary, Gentry and Samuel Dean, Anna Dean, Nancy, George and Ida May Jones as Cherokee freedmen.

On December 1, 1905 (I.T.D. 756-1905), the Department remanded this case to this office for rehearing and readjudication.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner

Encl. B-65  
JME

LAND.  
7537-1907.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

COPY.  
February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of December 1, 1905 (I.T.D. 7758), there is enclosed a report from Commissioner Bixby, dated January 18, 1907, transmitting the record relative to the application of Mary Dean, et al., for enrollment as a Cherokee freedmen.

On June 16, 1905, the Commission to the Five Civilized Tribes consolidated the applications of Mary Dean and her minor children, Mentry and Samuel Dean and Anna Jones and her minor children Nancy, George and Ida M. Jones for enrollment as Cherokee freedmen.

On January 18, 1907, the Commissioner held that the applicants were not entitled to enrollment.

The decision of the Commissioner adverse to the applicants has been examined and found to be correct and the same is recommended for approval.

Very respectfully,

HRD-AIK.

Acting Commissioner.



W.H.M.  
Y.P.

DEPARTMENT OF THE INTERIOR,

IRS.D.C.12639-1907.

WASHINGTON.

I.T.D.

5694, 5712, 5714, 5716,  
5726, 5768, 5808, 5822,  
5826, 5836, 5880, 5882,  
5860, 5866, 5870, 5972,  
5880, 5910, 5916, 5934,  
5942, 5946, 5948, 5950,  
5996, 5998, 6000, 6002,  
all 1907.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of your letter of transmittal.
Masses Hardrick, et al. (freedmen)	February 13, 1907.
Alexander M. Andersen,	February 21, 1907.
Mailine Patrick,	February 19, 1907.
Leona Arreta Kincaids,	February 12, 1907.
Neema Worley Hicks, (freedman),	February 12, 1907.
James McGinnish,	February 8, 1907.
George W. Mill,	February 15, 1907.
Lydia M. Ward, et al. (freedmen),	February 12, 1907.
Mary E. Coker,	February 8, 1907.
Charlotte M. Laughlin, et al.,	February 21, 1907.
Jessie Lee Lagnon, et al.,	February 15, 1907.
Joseph Hanson,	February 14, 1907.
John Earl Rodfearn, et al.,	February 15, 1907.
Minnie L. Pence, et al. (freedmen),	February 12, 1907.
Clark E. Germany,	February 19, 1907.
George E. Freedman (freedman),	February 16, 1907.

Title of Case.	Date of your letter of transmittal.
Mary J. Graybeard,	February 8, 1907.
Sarah Stiggs, et al.,	January 17, 1907.
Alberts Flemings, et al. (freedmen),	February 12, 1907.
Tyre Finley (freedman),	February 12, 1907.
Clarence Landrum, et al (freedmen),	February 14, 1907.
Minnie E. Powell,	February 14, 1907.
D. E. Fleurney,	February 2, 1907.
Sarah J. Martin,	February 14, 1907.
Elizabeth Coleman,	February 8, 1907.
Roxie Christine Binns,	February 16, 1907.
Ella Hill (freedman),	February 16, 1907.
Jane Langley,	February 6, 1907.
Frances Elizabeth Forbes,	February 12, 1907.
Isabelle J. Paris,	February 9, 1907.
Clarence Hill, et al. (freedmen),	February 12, 1907.
Mary Dean, et al. (freedman),	January 18, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

12 enclosures, and  
70 enclosures to Ind. Of.,  
with carbon hereof.

A. V. M.  
3-2-07.

Charles F.  
Hall

COPY

Mustang, Indian Territory, March 22, 1907.

Dear Sir,

Mustang, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the  
Commissioner to the Five Civilized Tribes dated January 12,  
1907, rejecting the application for the enrollment of your-  
self and minor children as Cherokee freedmen, was affirmed  
by the Secretary of the Interior, March 2, 1907.

Respectfully,

JH

James S.  
Commissioner.

Cherokee v.  
R 374 et al.

COPY

Muskogee, Indian Territory, March 22, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of Moses Hardrick, et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED *Edms Bixby.*

Commissioner.

Encl. C-60  
LMC

Department of the Interior.  
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

*Mailed for*  
Mary Dean,

Muskogee, Indian Territory.

REGISTERED  
OCT 5 1904  
MUSKOGEE, IND. TER.



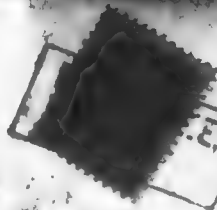


Department of the Interior.

Commissioner to the Five Civilized Tribes,

Muskogee, IND. TER.

121945



1054

Anna Dean,

Muskogee, Indian Territory.

Cher Fr R 831

Trans. from Cher Fr D 39

Cher Fr R 831

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Fort Gibson, I. T. April 9th 1901..

In the matter of the application of Wiley Polston for the enrollment of himself and three children as Cherokee Freedmen- He being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Wiley Polston.  
Q What is your age? A. About 50.  
Q What is your post office address? A. Vian.  
Q What district do you live in? A. Illinois.  
Q Do you make application for enrollment as a Cherokee Freedman?  
A Yes sir.  
Q Have you ever applied for enrollment as a Freedman of any other Nation? A. No sir.  
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A. Yes sir.  
Q Is your name on the roll of 1880? A. I dont know.  
Q Who do you desire to have enrolled besides yourself? A. My three children.  
Q You wife also? A No sir.  
Q What are the names of your children? A. Ann Polston.  
Q How old? A. Two years.  
Q What is the name of the next one? A. Callie.  
Q How old? A. Three months.  
Q Next one? A. Sallie.  
Q How old? A. Three months.  
Q Twins? A. Yes sir.  
Q What is the name of the mother of these children? A. Nettie Polston.  
Q Is she a citizen? A. No sir.  
Q Are you married to her? A. Yes sir.  
Q Have you a certificate of your marriage? A. Yes sir.

Applicant presents a marriage license and certificate issued by the Clerk of the United States Court for the Northern District of the Indian Territory, certifying that he was married to Nettie Martin, according to the laws of the United States on the 25th day of July, 1898

- Q Your name is not on the roll of 1880, do you know why? A. I dont know, I was here.  
Q Where were you born? A. On Honey Creek.  
Q Were you a slave? A. Yes sir.  
Q What was your owners name? A. John Ridge.  
Q Where were you at the beginning of the war between the United States and the Confederacy? A. On Honey Creek, in the Cherokee Nation  
Q Where were you taken during the war? A. To Texas  
Q How long did you stay in Texas? A. Cant tell.  
Q About how long? A. Dont know how many years.  
Q How old was you when you came back from Texas? A. About 15, when I went down there.  
Q Was you 15 years old when the war closed? A., I was 15 when I went south.  
Q How long did you stay in Texas? A. It might have been five or six years or it might have been longer.  
Q How old was you when you came back? A. I dont know.  
Q Were you a grown man when you came back? A. Yes sir.  
Q Were you married in Texas? A. Yes sir.  
Q What became of your wife? A. Parted? A.  
Q In Texas? A. No sir here.  
Q How old was you when you went to Texas? A. 15.

Wiley Polston--2

Q How old was you at the close of the war? A. I cannot tell you, I dont write and cannot tell my age.

BY W. W. Hastings, Cherokee Representative--

Q Have you any children that were born in Texas? A. No sir, all borned here.

Q You brought your first wife with you from Texas? A. Yes sir, and located on 14 Mile Creek.

Q How long did you stay after you married in Texas? A. I might have staid there a year or so after I married.

Q Did you marry after the war closed or during the war? A. Just at the closing of the war.

Q Who did you come back to the Cherokee Nation with? A. First Mrs. Polston

Q Same man that you went south with? A. I didnt go south with Dr. Polston, I went with a man named Hickey.

Q Then this Dr. Polston brought you back did he? A. Yes sir.

Q Did anyone else come back with you? A. Several others were along.

Q Did any Cherokees come back with you? A. Yes sir.

Q Do you remember the names of any of them? A. Yes sir Mr. Reece.

Q Rody Reece? A. Yes sir I think it was.

Q Did Jeff Hedges come back with you? A. No sir.

Q Do you know him? A. Yes sir.

Q What point in the Cherokee Nation did you come back to? A. Right here, My mother was here.

Q What was her name? A. Lidia Tucker.

Q How long did you stay here in Fort Gibson? A. Cant tel, 4 or 5 years, maybe longer---- until I went down below in Illinois district in the Vian Country.

Q Do you remember any other Cherokees who came back with you except Polston and Reece? A. No sir.

Q Was it in the Spring or Fall of the year that you returned? A. In the spring.

Q Did you come in the wagons? A. Yes sir.

Q Did Dr. Polston bring his family along with him at the same time? A Yes sir.

Q His wife? A. Yes sir.

Q Were you ever divorced from this first wife? A. No sir.

Q You had some children by her didnt you? A., Yes sir, I didnt need no divorce from her though, want married to her only by a preacher.

Q Is she living yet? A. Yes sir.

BY Commissioner--

Q You say you wasn't married to her? A. No sir just married by a preacher.

Q Did the preacher marry you in Texas? A. Yes sir.

Q Did you get a license? A. No sir I was a slave then and they didnt need no license to marry, just married by a preacher.

Q Was you a slave before they took you south? A. Yes sir, and went with my master in the army.

Q Were you sold to any one in Texas? A. No sir, I belonged to the Ridge Settlement. My mother belong to them too but she was sold to the Tuckers.

Q How long has she been dead? A. I dont know.

Q How long have you been married to this last woman? A. In 1898.

Q You have had three children by her? A. Yes sir.

Q Where are the children that you had by your first wife? A. One of the m is dead and the other one is living around here.

BY Com's Needles--

The name of Wiley Polston is not found on any of the rolls of the Cherokee Nation now in the possession of the Commission. He avers that he was married to this wife Nettie Martin and makes satisfactory proof of his marriage to her. He avers that he has by her three children, Ann, Callie and Sallis, whose names

Wiley Polston 3 .

are not on XXX on the census roll of 1898, having been born since same was compiled. The applicant applies for enrollment as a Cherokee Freedman and avers that his wife is a non citizen. By reason of the non-satisfactory proof as to his citizenship, final judgment as herein named will be suspended and their names will be placed on a doubtful card. APPLICANT here presents satisfactory proof as to the birth of his children-----

-----  
Chas Von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(SIGNED) Chas Von Weise

Subscribed and sworn to before me this the 11th day of April, 1901, at Fort Gibson, I. T.

(SIGNED) T. B. Needles,  
Commissioner.

Supl.-D#39.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON, I. T., APRIL 12th, 1901.

In the matter of the application for the enrollment of Wiley Polston, et al., as Cherokee Freedman, the following Supplemental evidence is offered:

LUSTER FOREMAN, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Luster Foreman.  
Q What is your age, Mr. Foreman? A. I think I give it in 50 or 60, I disremember which.  
Q What is your post office? A. Winita.  
Q Do you know Wiley Polston? A. I have knowed him the first year after peace.  
Q What year was that? A. '66 I guess; it was the year before the Cholera come in.  
Q In '66? A. Yes, sir.  
Q Where? A. Here in Fort Gibson.



Q Was he a slave? A. I don't know that:

Q You saw him here at Fort Gibson in the year '66? A Yes, sir.

Q-You-saw-him-here

BY J. S. DAVENPORT, Cherokee Representative:

Q You don't know what time of the year it was, Luster? A. No, sir.

Q You really don't know it was in '66, do you? A Yes, sir.

Q What makes you know ~~it~~ it was in '66? A The reason was I am acquainted with his wife, she used to shout, and they all moved out and had the sacre, that was the year of the Cholera.

Q What year did they go out? A Year before the Cholera was in.

Q It was sometime before the Cholera come in, but you didn't know the time of the year? A No, sir.

Q You don't know who he went out with? A. No, sir.

Q You do not know where he had been? A. No, sir.

Q Had you known him before the war broke out? A No, sir.

Q Are you positive it was in '66 he come back to the Cherokee Nation? A It was the year before the Cholera broke out, in '66; I don't know exactly what month and date. I was acquainted with his wife very well, because we both belonged to the same church.

Q That made you well acquainted with her? A Acquainted with him too.

Q Do you know whether he has resided here ever since that? A No, sir, I have been living around myself.

Q Was he a member of the same church? A Yes, sir.

Q Was he married at that time? A Yes, sir, he had brought his wife with him.

By L. B. BELL, Cherokee Representative:

Q Where did you get acquainted with his wife? A Here at Fort Gibson.

Q After they come back here? A Yes, sir.

BY COMMISSIONER NEEDLES:

Q Had his wife been a slave? A I don't know; I seen him here at that time.

-----ooo000ooo-----

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(SIGNED) J. O. Rosson

Subscribed and sworn to before me this 13th day of April 1901.

(SIGNED) M. D. Green,

Notary Public.

Commissioner.

SEAL

DEPARTMENT OF THE INTERIOR

7-12-59

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

CHEEROKEE FREEDMEN

FILED  
APR 9 1901

*[Signature]*

Special Commissioner

Yre

Yre

Yre

Yre

Yre

Yre

Yre

Yre

## MEMORANDUM OF APPLICATION.

## CHEROKEE FREEDMEN.

Date APR 9 1901

Post Office Vian

District Illinois

1. Name Wiley Polston

Age 50

Owner's name John Ridge

Citizenship Cherokee

Year

Page

No.

District

Parents:

Father

Citizenship

Mother Lydia Tucker

Citizenship Cherokee

2. Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3. Annan Polston

Year

Page

No.

Dist.

2

4. Ballie "

Year

Page

No.

Dist.

3 months

5. Sallie "

Year

Page

No.

Dist.

3 months

6.

Year

Page

No.

Dist.

7.

Year

Page

No.

Dist.

8.

Year

Page

No.

Dist.

9.

Year

Page

No.

Dist.

10.

Year

Page

No.

Dist.

11.

Year

Page

No.

Dist.

12.

Year

Page

No.

Dist.

Application made by

W. (1)

Stenographer

Van Weese Chas.

(3) Affidavit of Birth ~~to~~ filed

(4) " " " "

(5) " " " "

Marriage license Wiley Polston to Nettie Martin filed

CERTIFICATE OF RECORD.

United States of America, }  
INDIAN TERRITORY, } SS.  
NORTHERN DISTRICT.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory,  
do hereby certify that the instrument hereto attached was filed for record in my office the Aug day of  
1898, at 8 M., and duly recorded in Book 9, Marriage  
Record, Page 111.

WITNESS my hand and seal of said Court at Muskogee, in said Territory,  
day of Aug A.D. 1898  
J. A. Winston Clerk.

By \_\_\_\_\_ Deputy.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
APR 9 1901

6303A  
FILED

AUG 1 1898

Jan. 1. 1898

# MARRIAGE LICENSE.

United States of America,  
INDIAN TERRITORY,  
NORTHERN DISTRICT.

SS.

No. 1247

To Any Person Authorized by Law to Solemnize Marriage--Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. *Wyley Dalton* of *Vian* in the Indian Territory, aged *58* years, and *Miss Nettie Martin* of *Vian* in the Indian Territory, aged *25* years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this *25* day of *July*, A.D. 189*8*.

By

*Wyling*

Deputy.

*J. A. Winston*

Clerk of the U. S. Court.

## CERTIFICATE OF MARRIAGE.

United States of America,  
INDIAN TERRITORY,  
NORTHERN DISTRICT.

SS.

I, *J. W. Harris*, a Minister of the Gospel,  
DO HEREBY CERTIFY, that on the *29* day of *July*, A.D. 189*8*,  
I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this *29* day of *July*, A.D. 189*8*.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District,

Book

*A*

Page *281*

*J. W. Harris*  
A Minister of the Gospel.

NOTE—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (One \$100.00).



S U P P L E M E N T A L

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I. T. April, 13th 1901.

Supplemental testimony to be filed in case D-39 for the enrollment of Wiley Polston as a Cherokee Freedman.

Luster Foreman, being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Luster Foreman.

Q What is your age? A. 58.

Q What is your post office address? A. Vinita.

Q Did you testify yesterday as a witness in this case? A. Yes sir.

Q And you say that you want to make a correction now in your testimony? A. Yes sir.

Q Well what is that correction? A. Instead of '89 it was in the summer of '88, about June.

Q What was it that occurred then? A. That was the time when Polston came back here.

Q You testified that Wiley Polston came back to the Cherokee Nation in 1886 or 1887? A. Yes sir and I want to correct that statement. I was in 1888 that he came back.

Q And you were mistaken in your testimony yesterday? A. Yes sir.

Q Are you positive now that it was in 1888 that he came back? A. Yes sir.

Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the testimony in the above and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed)

Chas. von Weiss

Subscribed and sworn to before me this the 13th of April, 1901, at Fort Gibson,

(Signed)

M. D. Green,

Notary Public.

D - 39

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FT. GIBSON, I. T. April 13, 1901

Supplementary testimony in the matter of the application of Wiley Polston for enrollment as a Cherokee Freedman.

Joe Watts, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Joe Watts.

Q How old are you? A. Something near forty.

2-41. P.

Q What is your postoffice address? A St. Gibson.  
Q Are you a recognized Cherokee Freedman? A Yes sir.  
Q Do you know Wiley Polston? A Yes sir.  
Q How long have you known him? A I have known him ever since before the war.  
Q Was he a slave? A Yes sir.  
Q What was his owner's name? A Dr. Polston, was his Master.  
Q You know where he was during the war between the United States and the Confederacy? A No sir, not all the time.  
Q You know where he was immediately after the war? A Yes sir, I seen him there at Gibson, Viana.  
Q What year did you first see him at Gibson? A I don't know, sir.  
Q You didn't know whether it was in the year '66 or '67? A No sir, not exactly.  
Q Have you known him ever since that time? A Yes sir.  
Q Been living in the Nation ever since that time? A Yes sir.  
Q You know whether he was taken out of the territory during the war? A I think he was never taken out to my knowledge.  
Q He might have been taken out and you not know it? A He might have been.  
Q You say you didn't see him during the war? A No sir.  
Q Where were you during the war? A Here at Gibson and Wabbers Falls.  
Q You never saw Polston during the war? A No sir.

Applicant- He and I were in the regiment together.

Commissioner continued examination of witness-

Q Were you a soldier? A Yes sir, I was a waiter with General Stan Watis in the army.  
Q Was Polston a soldier there? A A doctor.  
Q You didn't know him then? A No sir, I was a boy.  
Q Was Stan Watis's regiment in the nation all the time during the war? A Wasn't exactly in the Cherokee Nation all the time.  
Q Was it in the Indian Territory all the time? A Backwards and forwards.

By W. H. Hastings of witness-

Q Did you go South with Stan Watis? A Yes sir.  
Q And come back after the war? A Yes sir.  
Q And come to the Choctaw Nation in '67 and made a crop? A At Wabbers Falls we made a crop.  
Q Before you come on here? A I don't remember those years, I was with Stan Watis.  
Q Have you ever been convicted of larceny? A Yes sir, I don't know I was convicted; I know I was tried and wasn't convicted.  
Q Was you sent to jail? A I was sent there and never served no time there in jail.  
Q A jury convicted you? A Never served no time out.  
Q Did a jury convict you and did you go to jail for larceny? A No sir.

Alex Hivens, being sworn and examined by Commissioner J. E. Needles, testified as follows:

Q What is your name? A Alex Hivens.  
Q What is your age? A 60.  
Q What is your postoffice address? A St. Gibson.  
Q Are you a Cherokee Freedman? A Yes sir.

Q Recognized as such by the Cherokee Nation? A Yes sir.  
 Q You know Wiley Polston? A Yes sir.  
 Q How long have you known him? A I have been knowing him about thirty or thirtyfive years.  
 Q Did you know him during the war between the United States and the Confederacy? A I didn't know him during the war.  
 Q When did you first know him after the war? A Here at Fort Gibson.  
 Q When was that? A One year or two before the cholera.  
 Q What year was the cholera in? A In '75.  
 Q A year or two before that? A Yes sir.  
 Q You didn't know him as far back as '66? A No sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(SIGNED) E. G. Rothenberger,

Subscribed and sworn to before me this 16th day of April, 1901.

(SIGNED) C. R. Breckinridge,

Commissioner.

# SUPPLEMENTAL TESTIMONY

## CHEROKEE TRIBES

DOUBTFUL NO. 39.

Department of the Interior,  
 Commission to the Five Civilized Tribes,  
 Fort Gibson, I. T. April, 22d, 1901.

In the matter of the application of WILEY POLSTON, et al.

HODY RUSSE, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Hody Russe.  
 Q How old are you? A 59.  
 Q What is your post office? A Menard.  
 Q How long have you lived in the Cherokee Nation? A Always.  
 Q Do you know Wiley Polston? A Yes sir.  
 Q How long have you known him? A Ever since he was a boy.  
 Q Did you know him before the war? A Knew him when he was a slave.  
 Q Who did he belong to? A Flora Polston.  
 Q Where did she live? A Up on Honey Creek.  
 Q Do you know that before the war he was a slave in the Cherokee Nation? A Yes sir.  
 Q What do you know of him during the war? A I don't know anything of him then, but I saw him here in the spring of '66, I was here then.  
 Q How do you know you saw him in '66? A I came here in October of '66, and then I went back and helped Tom Starra folks to move herein '66.



- Q And you got back in '66? A Yes sir.
- Q And you know you saw this man here then? A Yes sir.
- Q Where has he been since then? A In Santown.
- Q Have you known him ever since then? A Yes sir.
- Q Where have you seen him since you saw him in '66? A I saw him here on 14 Mile Creek.
- Q When was that? A 20 years ago.
- Q Had you seen him before that time and the time you saw him in '66? A Yes sir I saw him at Illinois Court house.
- Q Where else did you see him during that time? A At Santown.
- By James J.avenport, Cherokee Representative:
- Q You say you know him before the war broke out? A Yes sir.
- Q How old was he when the war broke out? A 13 or 14 years ago.
- Q Where did he go when the war broke out, and with whom? A I think he went out with his Mistress.
- Q Who was his Mistress? A Mrs. Flora Polston.
- Q Who was he the slave of before the war? A Mrs. Flora Polston.
- Q Who did he come back with after the war? A I dont know.
- Q Did you go north or south during the war? A I went south.
- Q Do you know whether Wiley Polston came back with Dr. Polston or not? A No sir I dont know.
- Q Did you see them together? A I saw him in the spring of 1866.
- Q Was that before the treaty of '66 was ratified? A Yes sir I saw him before the treaty was ratified--it was ratified on July 19th '66.
- Q You are sure you saw him then? A Yes sir.
- Q How old was he then? A A Grown man.
- Q You said that he was 13 or 14 years old when he left, or when the war broke out? A Yes sir.
- Q And he was a grown man when he got back, or when you saw him for the first time after the war? A Yes sir.
- Q What year did he leave in? A I dont know that.
- Q Do you know what Cherokees lived where Wiley Polston did right after the war? A I dont recollect, but they was mostly full bloods there was the Woodalls.
- Q Which one of the Woodalls? A Old George.
- Q Any others? A Ned Moore, Lige Moore.
- Q Who was he living with in '66 when you saw him? A He was a free man then, I dont know who he was living with.
- Q You are not sure whether he came back with Dr. Polston or not? A I dont know whether Dr. Polston came back with him or not.
- Q Do you know whether Dr. Polston came back in '66? A No sir I dont know.
- Q And you dont know whether Wiley Polston and Dr. Polston came back together? A No sir I dont.
- Q Did you see Wiley Polston before you knew that Dr. Polston had come back? A Yes sir.
- Q When you saw Wiley Polston it was in the Spring of '66 you say? A Yes sir.
- Q You didn't come back with Wiley Polston or Dr. Polston from the South to the Cherokee Nation did you? A No sir.
- Q Do you know if Jere Yeehee came back with him? A No sir I dont.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the above is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise,  
Subscribed and sworn to before me this 23rd of April, 1886, at  
Fort Gibson, T. T.

T. B. Needles,

Commissioner.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
VINITA, I. T., MAY 32, 1901.

In the matter of the application of Wiley Polston et al.

Testimony submitted by Cherokee Nation; the attorneys being present. The attorneys of the Cherokee Nation make proof of service of notice on Wiley Polston, the applicant, to the fact that they would present testimony in his case on the 21st or 22nd of this month. Said Wiley Polston and his attorney, neither appearing; it now being 3:30 P. M. the 22nd.

McGoy Smith, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. McGoy Smith.  
Q What is your age? A. 54.  
Q What is your postoffice address? A. Bragg Station.  
Q Do you know Wiley Polston? A. No sir, I don't know him.  
By L. B. Bell Cherokee Attorney: Are you acquainted with one Roddy Rees of Wapah, Tahlequah District? A Yes sir.  
Q Were you acquainted with his brother-in-law Tom Starr of Canadian District? A. Yes sir.  
Q How long did you know them? A I have known Roddy Rees about forty years and Tom Starr about 45.  
Q Is Tom Starr a Cherokee? A Yes sir.  
Q Is Roddy Rees a Cherokee? A Yes sir.  
Q Did Tom Starr leave this country during the war and go south? A Yes sir.  
Q Where did he go? A To the Choctaw Nation.  
Q Did Roddy Rees leave and go south? A Yes sir.  
Q Where did he go? A To the Choctaw Nation.  
Q You are a Cherokee, are you? A Yes sir.  
Q You left here and went south? A Yes sir.  
Q When did you return? A I returned to the Cherokee Nation in '66, in July, about the last of July.  
Q Was Tom Starr in Canadian District when you returned in July? A Yes sir.  
Q Were you at his house? A Yes sir, I saw him there at his house; I was there.

William C. Woodall being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William C. Woodall.  
Q What is your age? A 64.  
Q What is your postoffice address? A Vinita.  
Q Are you a citizen of the Cherokee Nation by blood? A Yes sir.  
By L. B. Bell: Where was there any other family by the name of Woodall in the Cherokee Nation that you knew of at all? A There is two brothers and my father.  
Q Was there a distinct family outside of yours? A No sir.  
Q Just those two brothers? A Yes sir, that is all I knew.  
Q How many old George Woodalls were there? A There was only one except a nephew he had that was killed at Tahlequah about forty years ago, or maybe longer. He went by that name; he wasn't a Woodall exactly, he took his mother's name; she was a Woodall.  
Q This old George Woodall was your father? A Yes sir.  
Q Where was he in the year 1865? A He was in California.  
Q State of California? A Shasta County, California.  
Q Was you along there with him? A Yes sir.  
Q Were you acquainted with one Elijah Moore? A Yes sir.  
Q They were relation to you, were they? A Yes sir, my uncle was Moore on my mother's side.  
Q Do you know of any other Elijah Moore that belonged to that family, a grown up man? A Not at that time. There is a young man Elijah Moore here in town.  
Q Well in 1865 was there any Elijah Moore? A Not that one is all I know of.



24. P.

Q Well, this Elijah Moore you speak of later, is a young man, is he? A Yes sir.  
Q About how old? A He is 20 or 21 now, I guess.  
Q What became of Elijah Moore, do you know anything about him?  
A The old Elijah Moore he died several years ago.  
Q About when? A He died, I can't tell exactly when he must have died in; I couldn't tell. In fifty some odd.  
Q Along back in the fifties somewhere was it? Yes sir.  
Q Before you went to California? A Yes sir.  
Q When did you go to California? A '54.  
Q He died prior to '57 any way? A Yes sir.  
Q Was you acquainted with one Ned Moore? A Yes sir.  
Q Did you know any other one besides him of that family? A No, sir, didn't know of any.  
Q He was your uncle also, was he? A Yes sir.

This is to be filed in D. Card 66.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) E. D. Rothenberger.  
Subscribed and sworn to before me this 28th day of May, 1901.

(Signed) C. R. Breckinridge,  
Commissioner.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a full, true and correct copy of the original testimony now on file in this office.

Mattie M. Lacy

Subscribed and sworn to before me this 4th day of September, 1901.

John C. Tidwell  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

---

In the matter of the application for the enrollment of  
WILEY POLSTON, et al., as Cherokee freedmen.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Fort Gibson, Indian Territory, April 9, 1901, Wiley Polston appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of himself and minor children, Annie, Callie and Sallie Polston as Cherokee freedmen. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, April 12, 13, 15 and 23, and at Vinita, Indian Territory, May 22, 1901.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant herein, Wiley Polston, was a slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the progress of said rebellion he left the Cherokee Nation, and did not return thereto and establish an actual personal, bona fide residence therein, after the close of the war, within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitwire, trustee, etc., vs. the Cherokee Nation, et al., and as provided by Section 3, of the Act of Congress approved April 26, 1906 (34 Stats., 137), for the return of freedmen to the Cherokee Nation. It is further shown that the minor applicants herein, Annie, Callie and Sallie Polston, were born since 1866, and neither claim nor possess any right to enrollment as Cherokee freedmen other than as descendants of their said father. No one of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), Wiley Polston, Annie Polston, Callie Polston and Sallie Polston are not entitled to enrollment as Cherokee freedmen, and their application for enrollment as such is accordingly denied.

  
\_\_\_\_\_  
Commissioner.

Dated at Muskogee, Indian Territory,  
this FEB 23 1907

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Wiley Polsten,

Vian, Indian Territory/

Cherokee F-D-39

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cherokee F.D. 39.

Muskogee, Indian Territory, April 4, 1903.

A. W. Jones,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

In accordance with your request of March 25th, there is herewith enclosed to you a copy of the testimony in Cherokee Freedmen doubtful case, #259, same being the application of Wiley Paiton for the enrollment of himself and children as Cherokee Freedmen.

There is also herewith enclosed to you a blank receipt for this testimony, which you are requested to sign and return to the Commission.

Respectfully,

Enclosure H. No. 3.

Chairman.

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee F. D. 39.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 4, 1903.

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in Cherokee Freedmen doubtful case, No. D 39,  
the application of Wiley Polston, et al. for enrollment as Cherokee  
Freedmen.

A. W. Jones  
Agent for Applicants.

Cherokee F. D. No. 39.

Enclosure H. No. 3.



COPY.

Cherokee Freedmen

D-39.

Muskogee, Indian Territory, March 27, 1905.

W. M. Taylor,

Vian, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 20, 1905, relative to the enrollment of Sallie Polston, et al., as Cherokee freedmen.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered you will be furnished with a copy.

Respectfully,

(SIGNED) *Tame Dixby*  
Chairman.

Cherokee freedman  
D 39.

Muskogee, Indian Territory, August 2, 1906.

W. M. Taylor,

Vian, Indian Territory.

Dear Sir:

In reply to your letter of July 26, you are advised that as yet no decision has been rendered in the Cherokee freedman enrollment case of Annie Polston, et al. when a decision has been rendered in this case, you will be furnished a copy thereof.

Respectfully,

M.A.

Commissioner.

CHEROKEE FREEDMEN  
D-39.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 20, 1906.

Nettie Polston,

Vinita, Indian Territory.

Dear Madam:

In connection with the application for the enrollment of your husband, Wiley Polston, and your minor children, Annie, Callie and Sallie Polston, as Cherokee freedmen, you are advised that the records of this office show that your husband, Wiley Polston, died prior to August 22, 1902.

You are hereby directed to properly execute the enclosed blank form of death affidavit, and return same to this office at the earliest possible date, in order that the death of said Wiley Polston may be properly shown on the records of this office.

Respectfully,



Acting Commissioner.

Encl. H-22  
JMH

Cherokee F.D.

39

Muskogee, Indian Territory, February 23, 1907.

W. M. Taylor,

Vian, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the application for the enrollment of Wiley, Annie, Callie and Sallie Polston, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Enc I-372

RPI

Register.

Commissioner.

Cherokee F.D.

39

Muskogee, Indian Territory, February 23, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the application for the enrollment of Wiley Polston, et al, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Enc I-371

Commissioner.

RPI



Muskogee, Indian Territory, February 23, 1907.

The honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Wiley Polston, and his minor children, Annie, Callie and Sallie Polston, as Cherokee freedmen, together with the decision of the Commissioner, dated February 23, 1907, rejecting said application.

Respectfully,

Enc I-373

Commissioner.

RPI

Through the Commissioner  
of Indian Affairs.

(COPY)

Land  
20440-1907

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Pixby, dated February 23, 1907, relative to the application for the enrollment of Wiley Polston and his minor children, Annie, Callie, and Gallie Polston, as Cherokee freedmen, together with the decision of the Commissioner, of February 23, 1907, rejecting the application.

The Office has examined the record in this case and finds the conclusions of the Commissioner to be correct.

His decision denying the application is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW:LM

Y.P.  
W.H.M.

DEPARTMENT OF THE INTERIOR,

IES.  
D.C. 13259-1907.

WASHINGTON.

I.T.D.

7042, 7044, 7046, 7052, 7060,  
7074, 7078, 7080, 7082, 7086,  
7092, 7094, 7096, 7102, 7120,  
7146, 7150, 7158, 7164, 7166,  
7168, 7170, 7172, 7188, 7202,  
7204, 7206, 7210, 7212, 7220,  
7242, 7250, 7254, 7264, 7274,  
7276, 7278, 7280, 7284, 7286,  
7290, 7292, 7302, 7304, 7306,  
7308, 7312, 7314, 7316, 7320,  
7352, 7354, 7358, 7360, 7362,  
7384, 7390, 7402, 7420, 7424,  
7426, 7428, 7440, 7462, 7464,  
7502, 7504, 7508, 7510, 7512,  
7516, 7518, 7522, 7524, 7526,  
7528, 7530, 7532, 7534, 7538,  
7540, 7542, 7544, 7548, 7598,  
7606, 7612, 7616, 7622, 7630,  
7754, all 1907.

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases, adverse to the applicants, are hereby affirmed. Copies of Indian Office letters, submitting your reports and recommending that the decisions be affirmed, are enclosed:

Title of Case.

Date of your  
letter of transmittal.

John Wesley Freeman (freeman),  
Harry H. Barry, et al.,  
Stephen Baldridge (freeman),  
Thomas Bell (freeman),  
Martha J. Burgess (intermarriage).

February 14, 1907.  
February 22, 1907.  
February 16, 1907.  
February 16, 1907.  
February 22, 1907.

Moses Carter (freedman),	February 1, 1907.
Hurshel L. Hyde (by blood),	February 21, 1907.
John W. Goss (intermarriage),	February 21, 1907.
William S. Hutchens (intermarriage),	February 23, 1907.
Mattie Mackey (freedman),	February 23, 1907.
William C. Smith (by blood),	February 21, 1907.
Ray Brun (by blood),	February 27, 1907.
Leneta Johnson, et al. (by blood),	February 23, 1907.
Cynthia A. Field, (intermarriage),	February 23, 1907.
Nathaniel Wickliff, (freedman),	February 16, 1907.
Herbert K. Hyde (by blood),	February 20, 1907.
Mollie Hurst (intermarriage),	February 23, 1907.
Mollie C. Collins (intermarriage),	February 23, 1907.
Amenda Brackett (intermarriage),	February 23, 1907.
Fatima Keys (intermarriage),	February 23, 1907.
Levi P. Isbell (intermarriage),	February 20, 1907.
Annie C. Butler (intermarriage),	February 23, 1907.
James R. Eivin (intermarriage),	February 14, 1907.
Laura Ross (freedman),	February 23, 1907.
Willie Joanna Lowe, et al. (freedman),	February 23, 1907.
William T. Teague (by blood),	February 20, 1907.
Theodore Jones (freedman),	February 25, 1907.
Viola M. Finwick (freedman),	February 25, 1907.
Wiley Polston, et al. (freedman),	February 23, 1907.
Pansy Grinnett (freedman),	February 21, 1907.
Alice Harman (intermarriage),	February 23, 1907.
Betty McLaughlin (by blood),	January 17, 1907.
Loran Alfred Levett (by blood),	February 15, 1907.
Maudie Skaggs (by blood),	February 15, 1907.
Robert Walker (freedman),	February 14, 1907.
Edward B. Frayser (intermarriage),	February 16, 1907.
Daniel Sitsler, et al. (by blood),	February 14, 1907.
Olla May Mitchell (by blood),	February 16, 1907.
Felix F. Witt (intermarriage),	February 19, 1907.
Preston G. Browning (intermarriage),	February 23, 1907.
Harrison Cecil Smith, et al. (by blood),	February 16, 1907.
Lilly Irene Trus, et al. (by blood),	February 25, 1907.
Alberta Sanders, et al. (freedman),	February 25, 1907.
Samuel Sanders (freedman),	February 21, 1907.
Peggie Bearman (by blood),	February 25, 1907.
Lawrence Graves (freedman),	February 25, 1907.
James Beck (freedman),	February 25, 1907.
J. William Pruitt, et al. (by blood),	February 25, 1907.
Charles W. Trant (intermarriage),	February 23, 1907.
John Strong (by blood),	February 25, 1907.
Bessie Lanier, et al. (freedman),	February 25, 1907.
Dwight Monroe Moore (freedman),	February 25, 1907.
Rosa S. Whitaker (intermarriage),	February 25, 1907.

Reeseburn Wright (freedman),	February 14, 1907.
Lenard King, et al. (by blood),	February 14, 1907.
Roberta Vann (freedman),	February 14, 1907.
Thomas Leroy Loya (freedman),	February 14, 1907.
Jesse O. Holland, et al. (by blood),	February 22, 1907.
Sarah A. Trout (intermarriage),	February 25, 1907.
J. D. Amey, et al. (by blood),	February 25, 1907.
Carmyer Vestal (freedman),	February 25, 1907.
Lizzie H. Langley (intermarriage),	February 25, 1907.
Charles Goldie Hall, et al. (by blood)	February 20, 1907.
Myrtle Adams (freedman),	February 25, 1907.
Annie Sorensen (as citizens) et al.	February 25, 1907.
Ruby Miller (by blood),	February 25, 1907.
Clarence Jones, et al. (freedman),	February 23, 1907.
John H. Ellis (intermarriage),	February 20, 1907.
Leroy Shields (freedman),	February 14, 1907.
Edmond Durant, et al. (freedman),	February 23, 1907.
Jane Crittenden (intermarriage),	February 26, 1907.
Jesse Bell (freedman),	February 23, 1907.
Elizabeth C. Leach (intermarriage),	February 23, 1907.
Miss Mahel Barritt (by blood),	February 1, 1907.
Eliza Holston (intermarriage),	February 7, 1907.
Tom Hayes Vann (freedman),	February 18, 1907.
Willie Lee Hanks, et al. (freedman),	February 18, 1907.
Julia J. Wilkerson (by blood),	February 21, 1907.
Blanch Bane, et al. (by blood),	February 23, 1907.
Martha W. Morgan (intermarriage),	February 21, 1907.
Edker Williams (by blood),	February 21, 1907.
Deo Heron England (by blood),	February 21, 1907.
Mildred Teague (by blood),	February 18, 1907.
Odell Foster (freedman),	February 23, 1907.
Willie Calhoun (freedman),	February 21, 1907.
Arthur D. Jackson (by blood),	February 21, 1907.
Eliza J. Hinton (intermarriage),	February 26, 1907.
Ottorain Allen (freedman),	February 15, 1907.
Viola Martin (freedman),	February 18, 1907.
Archie Taylor (freedman),	February 18, 1907.
Joseph H. Thompson (intermarriage),	February 23, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(signed) H. A. Hitchcock,

Secretary.

21 enclosures, and  
122 enclosures to Ind. Of.  
with copy hereof.  
V.C.F. 2/4/07.



REFER IN REPLY TO THE FOLLOWING:

Cherokee freed-  
man D 39.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 30, 1907.

Wiley Polston,  
Vian, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated February 23, 1907, rejecting the application for the enrollment of yourself and children, Annie, Callie and Sallie Polston, as Cherokee freedmen, was affirmed by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

*Geo. D. Rogers*

Acting Commissioner.

Encl. P-4-30  
MMP

Cherokee F.N.B.  
335

Muskogee, Indian Territory, March 30, 1907.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory .

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes rejecting the application for the enrollment of John Wesley Freeman et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-4-40  
WMP

*W. W. Hastings*  
Acting Commissioner.

6839  
H

Department of the Interior.

Delivered to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

Return to Writer.  
UNCLAIMED.

~~Nattie Polston,~~

~~Vinita, Indian Territory.~~





Cher Fr R 832

Trans. from Cher Fr D 60

Cher Fr R 832



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., April 12, 1901.

In the matter of the application of James Rogers for enrollment as a Cherokee Freedman.

James Rogers, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A James Rogers.  
Q How old are you? A I am 34 years old.  
Q What is your post office address? A Bristow.  
Q Where do you reside? A I live in the Creek Nation.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.  
Q Is your name on the roll of 1880? A No, sir.  
Q Nor on the roll of 1896? A Yes, sir.  
Q Who do you want to enroll besides yourself? A Just myself.  
Q What was your father's name? A Toss Rogers.  
Q What is your mother's name? A She used to go by the name of Mary Rogers, but she is Mary Robbins now.  
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.  
The 1896 census roll of Cherokee Freedmen examined and the applicant identified thereon.  
Q Did you draw strip money? A They called me Jim Rogers and my name is James Rogers.  
Q Did you draw your money with your sisters and brothers? A Yes, sir.  
The Kerne-Clifton pay-roll examined, and the applicant identified thereon, page 185, No. 4550, Tahlequah district, as Jim Rogers.  
Q Where were you born? A I don't know exactly where I was born.  
Q Do you know whether you were born in the Cherokee Nation or not? A Yes, sir, but what place I don't know.  
Q Where have you lived all your life? A I have lived over here up on Grand River before I went to the Creek Nation.  
Q You lived in the Cherokee Nation until you went to the Creek Nation? A Yes, sir.  
Q How long have you lived in the Creek Nation? A About 12 years.  
Q What are you doing in the Creek Nation? A Working around.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Eliza Rogers.  
Q Is she a Creek citizen? A Yes, sir.  
Q You are living there with her? A Yes, sir.  
Q Have you ever applied to the Creek authorities to be enrolled as a Creek citizen? A No, sir.  
Q Have you got any children? A No, sir.  
Q Your wife got any? A Yes, sir, but they died.

Commissioner Needles: The name of James Rogers is found not upon the authenticated roll of 1880, or the census roll of 1896. It is found on the Kerne-Clifton roll. He avers that he is the child of Tossie Rogers and Mary Rogers, now Mary Robbins, who is enrolled on Cherokee Freedmen card No. 335. Reference is made to the testimony of said Mary Robbins before the Commission, given this day. He is duly identified, but avers that he has been a resident of the Creek Nation about 12 years. By reason of that fact and the protest of the Cherokee Nation against his enrollment, his name will be placed upon a doubtful card. Final judgment as to his enrollment will be suspended.

J.N.- 2.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 18th of April, 1901.

Wm. Green  
Notary Public

Commissioner.

FD60

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FTT, T. D.

APR 12 1901



ACTING CHAIRMAN.

## MEMORANDUM OF APPLICATION.

## CHEROKEE FREEDMEN.

Date APR 19 1901

Post Office

District

1. Name

Owner's name

Year

Page

No.

District

Age

Citizenship

Parents:

Father

Mother

Citizenship

Citizenship

2. Name of wife

Owner's name

Year

Page

No.

District

Age

Citizenship

Parents:

Father

Mother

Citizenship

Citizenship

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by

Stenographer

(1) a K.C. Roll No. "Jim Rogers"

James B. C.

File with case of James Rogers, Cherokee Freedman.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., April 12, 1901.

In the matter of the application of Mary Robbins for enrollment as a Cherokee Freedman, and for one grandchild as a Cherokee Freedman. Mary Robbins, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Mary Rogers.  
Q How old are you? A Near 50 years old.  
Q What is your post office? A Melvin.  
Q What district is that in? A Tahlequah district.  
Q Do you apply to be enrolled ~~as a Cherokee Freedman~~ as a Cherokee Freedman?  
A Yes, sir.  
Q Did you ever apply to be enrolled by any other nation or tribe?  
A No, sir.  
Q Does your name appear upon the rolls of the Cherokee Nation?  
A Yes, sir.  
Q Who do you desire to enroll besides yourself? A My children.  
Q How many children? A Four.  
Q Give me the names of your children? A James Rogers.  
Q How old is he? A About 20.  
Q He must come himself; I want to get the names of the younger children under 21 years of age? A I can't tell you just how old they are.  
Q What is the next one after James? A Albert.  
Q How old is Albert? A He must be about 24 or 25.  
Q He must come himself; what is the name after Albert? A Lillie.  
Q Is she married? A Yes, sir.  
Q She must come herself; what is the next one? A Dollie.  
Q Is she married? A No, sir.  
Q Is she at home with you? A Yes, sir.  
Q Is she about 15? A Yes, sir.  
Q Is your name on the roll of 1880? A I don't know, sir.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A Heck Robbins.  
Q How long have you been living with Heck Robbins? A I can't tell.  
you how long, I don't know how long I have been married; I don't stay there at all, I am backwards and forwards.  
Q Been married to him 20 years? A I don't think so.  
Q Did you ever go by any other name besides Rogers? A No, sir, just Rogers.  
Q What is Dollie's name? A Dollie Rogers.  
Q Your name isn't on the roll of 1880? A I don't know.  
Q Don't you know that it is not?  
The 1880 authenticated roll of Cherokee Freedmen examined and  
the applicants not identified thereon.  
The 1896 census roll of Cherokee Freedmen examined, and the  
applicants not identified thereon.  
The Kerns-Glifton pay-roll examined, and the applicants  
+ identified thereon as follows:  
Mary Rogers on page 153, No. 3308, Tahlequah district.  
Q If you married Robbins, why isn't your name Robbins instead of Rogers? A Well, sir, you see Rogers was my first husband and my children, these children's father, that is the reason, and I had their name put down here Rogers; that was the reason.  
Q Well, after Rogers died you married Robbins, didn't you?  
A Yes, sir, but I stayed single for a long time.  
Q If you married Robbins, then you ought to be Robbins, oughtn't it?  
A Yes, sir.  
Q Well your name now ought to be Robbins? A Yes, sir, I guess so.  
Q Is your husband living? A Yes, sir.  
Q You and him living together? A Yes, sir.  
Q Were you a slave? A Yes, sir.  
Q What was the name of your owner? A Arly cookman.



Mr R.-2.

Q Was he a Cherokee Indian? A Yes, sir, a Cherokee full blood.  
Q Where were you at the beginning of the big war between the United States and the Confederacy? A Right at home with my mistress.  
Q Where did you go during the war? A North.  
Q To Kansas or Missouri? A To Fort Scott, Kansas.  
Q When did you come back? A I came back in the year 1866.  
Q Are you right sure of that? A Yes, sir, to my mistress, my young mistress was the only one living.  
Q Is she living now, your young mistress? A Yes, sir.  
Q What is her name? A Nancy Hiddles some calls her and some calls her Nancy Hager.  
Q Do you live close to her now? A Yes, sir, I live way this side.  
Q Then you have been living in the Cherokee Nation ever since that? A I been living in the Cherokee Nation, going backwards and forwards.  
Q And Dollie is your child by your first husband Rogers? A Yes, sir.  
Q Can't you get your old mistress to come here and testify for you? A Yes, sir, she is here.

Nancy Bengo, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sometimes they call me Nancy Riley and Nancy Bengo.  
Q How old are you? A I must be about 50 or 60.  
Q Are you a Cherokee citizen? A Yes, sir, a Cherokee citizen.  
Q What is your post office? A Wagoner.  
Q Do you know Mary Rogers? A Yes, sir.  
Q How long have you known her? A Ever since we were little.  
Q Was she a slave? A Yes, sir.  
Q Were you her owner? A Yes, sir.  
Q Where was Mary Rogers at the close of the war in 1865? A She was right here in 1866; she came here, I know she came in before 1866.  
Q Been here ever since? A Yes, sir, but then she went backwards and forwards just like the rest of us.  
Q Do you know the reason her name isn't on the roll of 1880; her name isn't on the roll of 1880; do you know the reason? A No, sir; she is a citizen all right enough, she used to belong to us.  
Q Mr. J. S. Davenport, attorney for Cherokee Nation? Did you go north with the applicant here, Mary Rogers, when the party moved out? A I stayed right at home.  
Q You didn't go with her when she went north? A No, sir, I never left home.  
Q She came back to your home in Tahlequah district some time after the war closed? A Yes, sir, she came on this side the river.  
Q Do you know what year she came back? A She came back in 1866.  
Q You were before the Commission before, wasn't you, the Kerne Clifton Commission, and testified, about four years ago? A I guess I did.  
Q Didn't you say then that she came to your house about three years after the war? A No, I didn't say that.  
Q What makes you remember she came back here in 1866? A They all was to come back here in time you know.  
Q Was that in the summer or fall or winter? A I think it was in the summer, I am not right sure.  
Q You are not right sure but what it might have been in 1867? A No, sir, for we didn't learn nothing then.  
Q What part of Tahlequah district were you living in when she came back to you? A Right on the river, and I am there yet, not far from Bald Mountain.  
Q She went away to Kansas and came back after peace was declared sometime? A Yes, sir.  
+ The Kerne-Clifton pay-roll examined and the applicant, Dollie Rogers identified thereon, page 185, No. 3311, Tahlequah dist.

M.R.- 2.

Mary Robbins, recalled, testified:

Mr. Davenport: Who did you come back to the Cherokee Nation with after the close of the war? A There was a good many people came, I don't know exactly who they were.

Q You testified before the Kerns Commission as to who you came back with, didn't you; didn't you testify then you came back with Steve Looney? A No, sir, not Steve Looney.

Commissioner Needles: Is Dollie Rogers your child? A Yes, sir, Dollie is my child. It is my grandchild, but I will tell you, she died at the birth and I picked her up before it; her mother, my own little daughter, and I turned in and took her.

Q What was Dollie's mother's name? A Fannie.

Q Is Fannie living? A No, sir, she is dead.

Q Did Fannie die when Dollie was born? A Yes, sir, she died.

Q Fannie was your child? A My own little child, and she was a Rogers.

Q What was Dollie's father's name? A Atkins.

Q They were not married, were they? A No, sir.

Commissioner Needles: The name of Mary Robbins cannot be found upon the authenticated roll of 1880, and the census roll of 1890. Her name is found upon the Kerns-Clifton roll. She avers that she was a slave and belonged to one Arly Cochran. She was taken out of the Nation during the war between the Confederacy but returned in 1866. Her old owner testified that she was here in the year 1868; that she returned in time. She is duly identified and makes satisfactory proof as to residence. She avers that she has one grandchild, the child of her daughter, now deceased, who is under 21 years of age, and whose name is found upon the Kerns-Clifton roll, but cannot be found upon the roll of 1880. Satisfactory proof is made as to her citizenship, and said Mary Robbins and her grandchild, Dollie Rogers, will be listed for enrollment as Cherokee Freedmen.

Comes now the representatives of the Cherokee Nation and protest against the enrollment of the applicants, Mary Rogers and her child, Dollie Rogers, for the reason that her name doesnot appear upon the authenticated roll of 1880.

\*\*\*\*\*

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 18th of April, 1901.

*Bruce G. Jones*  
*M. J. Green*  
*Mary G. Jones*  
Commissioner.

5 D 60

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on.....

by delivering a true copy thereof on the  
..... day of..... A. D. 1901.

Given under my hand this  
day..... A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the  
..... day of....., 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } s. s.  
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a  
true copy of the within notice to.....

on the..... day of..... A. D. 1901

Subscribed and sworn to before me  
this..... day of..... A. D. 1901.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED  
SEP 5 1901

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED  
SEP 5 1901

ACTING CHAIRMAN

# NOTICE!

*IN THE MATTER OF* The application of **James M. Rogers,**  
for enrollment as a Cherokee Freedman:

Case No. F. D. **60**

To **James M. Rogers, Bristow I. T.**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of **Ft Gibson** Indian Territory, on the following dates, to-wit: **September 5th** A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **28th** day of **August**, 1901.

*W. W. Hastings*  
*L. Dove*  
Attorneys for the Cherokee Nation.

# AFFIDAVIT.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, } ss  
NORTHERN DISTRICT.

In the matter of the application of JAMES  
for enrollment as a Cherokee Freedman.

M. Rogers  
No. F. D. 68

J. C. Starr, of lawful age, being duly sworn on  
oath states that on the 28th day of August, A. D., 1901, he registered  
to James M. Rogers whose postoffice is Existon  
Indian Territory, a notice, a true copy of which is attached to this affidavit, ~~and he hereto~~  
~~attaches the receipt of the Postmaster at~~ Indian Territory  
and that on the 4th day of September, 1901, he received the return  
card which is hereto attached, signed by the said James M. Rogers, showing  
that he had received said notice.

Subscribed and sworn to before me on this the 4 day of Sept A. D. 1901.

M. W. Hanning  
Notary Public.



SUPPLEMENTAL: File with C.F. D-60,

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, IT, Sept. 6, 1901.

In the matter of the enrollment of James Rogers as a Cherokee Freedman;  
ARCH COCKRUM, being sworn by Commissioner Needles, testified as follows:

Appearances:

J.F. Faulds, for the applicant, as attorney.  
L.B. Bell, for the Cherokee Nation.

Com'r Needles: Witnesses sworn and placed under the rule.

TESTIMONY ON PART OF CHEROKEE NATION.

Simon R. Walkingstick, Interpreter.

BY MR. BELL:

- Q What is his name? A Arch Cockrum.
- Q Where does he live? A I live in Tahlequah District.
- Q What is his post-office? A Wagoner, I. T.
- Q Age? A Some thing over eighty years old.
- Q Well tell him we have got the case up here of James Rogers, and I want to make some inquiry of him about him, a colored man?
- A Well he asks the question: The one we was talking about?
- Q Yes. I want to ask him if he is acquainted with Arley Cockrum?
- A Yes sir.
- Q Where did she live in her life time? A Just across from Joe French's ferry on Grand River.
- Q Did she have a daughter named Nancy? A Yes sir.
- Q Now known as Nancy Riddle, or Nancy Benges? A Yes sir.
- Q Did this Arley Cockrum or Nancy Benges own a colored woman by the name of Mary? A Yes sir, Ollie owned a colored woman named Mary.
- Q Was he acquainted with this woman? A Yes sir, I knew her from when she was so high. (indicating).
- Q Did she leave the Cherokee Nation during the war that he knows of? A Yes sir.
- Q Did he know about what time she returned to the Cherokee Nation after the war was over? A I couldn't state just exactly the time, but it was something after the expiration of the time in which the Freedmen were to return.
- Q I will ask him if he lived in the neighborhood of where Arley and Nancy Benges lived or Nancy Riddle, at the close of the war? A Yes sir, I lived near them.
- Q Well now what years did he live there, that is, where was he the first year after the war closed, that is 1866? A Well just directly after the close of the war I moved up north of the Canadian river and stayed there one summer, and then after I left the Canadian River I moved up here, -don't state where, -just, above here and stayed there a little while year and the next year he moved up near where these parties lived, and I had been there about two years when she came there.
- Q When she came there, - get that a little more definite? A That colored woman.
- Q He said he stayed that summer below here, was that the same summer the war closed, in Canadian? A Yes sir, that was the same summer.
- Q Then the next summer he farmed above here a few miles? A In the fall I left Canadian down there and moved to my place up here.
- Q Well there's where he stayed and made a crop? A I made one crop there and then sold the place and moved to near where I had formerly lived, near my father's.
- Q That was in the neighborhood of Arley and how far from there? A I don't hardly think it was a quarter of a mile.
- Q How long after he moved up there did he say he thinks it was before they came? A It must have been about 2 years, after I had been there.
- Q Well did this Mary, this colored woman, have a husband?

James Rogers - 2 sup 1

A Yes sir.

Q What was his name? A Tosh was his name.

Q Tosh Rogers? A Yes sir.

Q Did he have any children? A Yes sir, they had children.

Q They have a boy? A Yes sir, the oldest one was a boy.

Q What was his name? A James.

BY MR. PAULDS:

Q Immediately after the war closed you moved away from the place where Nancy Benge or Nancy Riddle was living? A No sir, he didn't state anything definitely; he just says he lived up here.

Q He said he moved a way some place, how far did you go away from where this Nancy Benge lived, you said you moved on the Canadian didn't you, north of the Canadian? A Well I moved just about three miles north of this place north of Fort Gibson after living on Canadian River.

Q Well when did he go to the Canadian River? A I had come from Red River just directly after the close of the war and was on my way home.

Q I don't think he understands my question; I want to know if he was living in the neighborhood of this Nancy Benge or Nancy Riddle whatever her name is, right after the close of the war, for a year or so afterwards; if he wasn't living there where was he living? A I was south when the war closed.

Q When did he come back here? A As I stated, when I left south I came to the Canadian River and stayed there one winter, immediately after the war.

Q Would that be the summer of '45? A Perhaps so, I don't know.

Q Now where was he the next summer after that; that is, the year after the war was over? A At the place I stated, three miles north of Fort Gibson.

Q How far is that from where Nancy Benge was living at that time?

A About three miles.

Q Now how long did you stay there at this place three miles north of Fort Gibson? A Just one year.

Q Then where did you go? A I moved to near where Nancy Benge lived.

Q That would be about three years after the war? A Yes sir.

Q Now do you know where Mary Rogers went when the war broke out?

A She went north.

Q To Fort Scott, Kansas? A I suppose so.

Q Now, ask him if he is prepared to dispute the word of Nancy Benge when she swears that this Mary Rogers came back in 1866, and was there from time to time? A Yes sir, I am prepared to say that; I know what I am talking about.

Q Are you prepared to swear that Mary Benge could not have come to this Cherokee Nation unless you saw her and knew her at the time she came? A Well, when she first came I was on the river and I saw her come across the stream.

Q But do you pretend to swear that she wasn't in this country before that, couldn't she have come here to this country when you were down on the Canadian River, come here and stayed a while and gone back again, as Nancy Benge says? A I don't know whether she had been here before that time or not; if she had been I couldn't state whether she had or not.

Q All you can state is the first time you saw her in the Cherokee Nation is when you were living up there by Nancy Benge two or three or four years after the war? A Yes.

Q She might have been here several times before that without your seeing her? A Yes sir, that's true.

SWORN, being sworn by Commissioner Needles, testified as follows:

BY MR. PAULDS: (Simon E. Walkingstick, interpreter)

Q Ask him his name? A See Dick.

Q How old is he? A Well I was two or three years old when the Cherokee came here in 1838.

James Rogers 3 sup'l

Q Where does he live? A I live in Tahlequah D street.

Q What is his post-office? A Melvin.

Q Was he in the country in 1866, the year after the war closed?

A Yes sir.

Q Was he acquainted with Arley Cockrum? A Yes sir, I knew her.

Q Did she have a daughter named Nancy, sometimes known now as Nancy Riddle or Nancy Bengo? A Yes sir.

Q Did he live anywise near them before the war? A No sir, I didn't live near them until after the war.

Q Well how near them did he live in 1866? A Just about a mile.

Q He don't know then whether they had a colored woman by the name of Mary? A Yes, I used to go through the country there quite often, and I knew they owned a colored woman named Mary.

Q Has he seen this colored woman since the war? A Yes sir, I saw her sometime afterwards.

Q Well when was the first time when he saw her there after the war at this Nancy or Arley's house? A Why it was something after the year 1870.

Q Where did he see her at? A I saw her at her house.

Q At the woman's own home? A Yes sir, she was living with a man named Tosh Rogers.

Q How far is that from Nancy or Arley Cockrum? A They lived just about a quarter of a mile or it might have been as far as a half a mile.

Q Was it on the same place, or did she have a little place of their own? A They were living in a rented house.

Q Now how long had he been living there in a mile of Arley Cockrum's when he first saw this Tosh Rogers and his wife, or this Mary Rogers and her husband come there? A I had been there about 5 years.

After I was mustered out at this place I went direct from here there in that neighborhood.

Q During all that time he never saw nothing of these folks until 1870? A

MR. FAULDS: That is a leading question.

A Yes sir, that's the first time I saw them.

Q Was he intimately acquainted with these folks, this Arley Cockrum, and about their house much, neighbors? A Yes sir, I would often go there and become quite well acquainted with them.

Q Does he know whether this Nancy went up North or not, this girl, daughter of Arley? A She remained in the country.

BY MR. FAULDS:

Q All you know is that the first time you saw this Mary Rogers after the war was at this Nancy Bengo? A As I stated, that was about the first time I saw her, and was along about the year 1870, or thereabouts.

Q You can't dispute the word of Nancy Bengo when she swears she saw her in 1866 or before that? A I am not prepared to dispute the statement of Nancy Bengo, but she wasn't in the country in the year 1866, this Mary wasn't in the country in the year 1866.

Q Couldn't she have been here without your seeing her, did you keep track of all the colored people here at that time? A No sir, I think not, because when she came to the country she came direct to that place, they said she had just come in.

Q She could have come in this country in 1866 and have come back wards and forwards ever since, couldn't she, without your having seen her at all up until the time you speak of? A I don't think she could have come without me seeing her.

Q Well suppose she came to Webbers Falls, would you have been sure to have seen her? A There would be no reason for her to come any down there, she was in Fort Scott, Kansas.

Q Tell him to answer my question: were you looking for her from the close of the war right on up until you found her? A No sir, I was not looking for her at all; I would hear of her though.



James Rogers et al 4 sup

Q When did you first know her? A Well it was along after 1870 that I became acquainted with her.

Q Never saw her until 1880? A No sir.

Q Didn't know anything about her? A I had only heard that they owned a slave by that name.

Q Now you want to swear that she couldn't have been in any spot or hole or corner in this Cherokee Nation throughout the whole length and breadth of it unless you had been right there and put your eyes right on her? A No, I couldn't have seen her if she had come to some other part of the Cherokee Nation than up there, I couldn't have seen her because I can't see very far.

Q Is your eye sight poor? A (Not interpreted by interpreter.)

W.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this September 20th, 1902.

*C. R. Buckner*

Commissioner.

(This test in Ch. by bid b'k #51-stenog.)

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON, I.T., SEPTEMBER 7, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
JAMES ROGERS as a Cherokee Freedman, introduced on the part of the  
Cherokee Nation:

APPEARANCES:

W. W. Hastings, of Counsel for Cherokee Nation.  
J. F. Faulds, Attorney for applicant.

COLUMBUS BALDRIDGE, being duly sworn, testified as follows:  
Examination conducted through Interpreter Simon R. Walkingstick.  
Mr. Hastings: What is your name? A Columbus Baldrige.

Q What is your age? A 39.

Q Where do you live? A I live in Tahlequah district.

Q Are you a full blood Cherokee Nation? A Yes, sir.

Q What part of Tahlequah district do you live in? A It is near  
the Grand river between that and where the Fourteen Mile Creek empties  
into the river.

Q How far is that from Melvin post office? A About seven, or  
probably eight miles from there.

Q You live between Wagoner and Melvin then on the grand river?  
A Yes, sir.

Q Did you know Arlie Cochran before the war? A Yes, sir.

Q Was Arlie Cochran a man or woman? A Woman.

Q Did she own a slave by the name of Mary? A Yes, sir.

Q How far do you live from Arlie Cochran? A About a mile and a  
half.

Q Did you know a child of Mary's by the name of Jim? A Yes, sir.

Q Did you know where Mary, the mother of Jim, went during the war?  
A Yes, sir, she went North at the commencement of the war.

Q Ask him if he saw her up there? A Yes, sir.

Q Where? A Fort Scott.

Q Did you know her up there? A Yes, sir, I was at her house about  
a week.

Q When was that? A In September, 1866.

Q Was she in Fort Scott at that time? A Yes, sir, she was living  
there.

Q Where did you go from Fort Scott? A I had left; I had gone  
there from this country with some cattle and, drove some cattle up  
beyond Fort Scott and I came through there on my way back.

Q Did he come on back to the Cherokee Nation after that? A Yes,  
sir.

Q Well, where did he locate then in the fall of '66 after he came  
back from Kansas? A I came to where my father lived near where  
my father now lives.

Q Was that in Tahlequah district? A Yes, sir.

Q How far from Grand river? A About a mile or hardly so far.

Q Now, when did you next see this woman, Mary Rogers? A About  
four years after that.

Q Where did he see her? A She moved near where I lived at that  
time; she rented a house near there.

Q Did you know where she moved from? A No, I could not state  
positively, but they stated that they had come from up that way,  
that they had just come.

Q Up from what way? A I just asked them the question if they had  
just now come and they said yes; I don't remember asking them if  
they had come from Fort Scott direct there.

Q You had seen the family in Fort Scott before? A Yes, sir.

Q And was this the next time you saw them? A Yes, sir.

Q Well, had you lived ever there in that neighborhood all the time  
from '66 up to this time when you saw them? A Yes, sir, I had  
lived there all that time.



Q How far from you did they locate when they first came in?  
A They first moved in about a mile from ut and then after they left that place they moved in one of my houses.

Q You know them well then? A Yes, sir.

Q Did this woman, Mary, have any children when she moved down there, that you just now talked about? A Yes, she had two very nearly grown, a boy and a girl and small boy so high (indicating), the third one.

Q How long did they live there? A I could not state just the length of time they lived there, but they lived there sometime.

Q Well, about how long? A About ten years I suppose, probably not so long, might have been just about eight.

Q Do you know where this boy and or man and his mother then went, where they went from there? A One of the boys left first and then sometime after that their mother left and went to the Creek Nation.

Q Where have they been living since that time? A The next time I saw this woman was at this place about a year ago; she told me at that time that she was living in the Creek Nation.

Q Do you know where she is living now? A No, I haven't heard.

Q Is she living up in your neighborhood? A No, sir, the last time I have seen her was when I saw her here about a year ago.

Q Did you know what this Mary's english name was, and what Jim's name was, what they go by? A Her husband's name was Toss.

Q You don't know what the other part of it? A No, sir, I don't know.

Q Is this the same Toss who worked up there at Tahlequah for Mr. Adair in a livery stable and wore a cap on his belt? A That is the same man.

Q Well, did Ollie Cochran own one woman by the name of Mary?

A Yes, sir.

Q Did he say just one or more than one? A Just one I think.

Q Well, ask him if her name was Mary Rogers; if he ever heard her called Mary Rogers? A Yes, sir, that was her name, surname was Rogers, surname of her husband.

Q Did you ever hear Jim called by the name of Rogers? A I don't remember hearing his surname I suppose that was his name.

BY MR. FAULDS: Ask him if he knows Nancy Benge, sometimes called Nancy Riley? A Yes, sir, I knew her.

Q Where is she living? A She lives about seven miles up the river from where I live.

Q How long has she been living there? A She has been there about ten or twelve years.

Q Where did she live before that? A She lived near me there.

Q How far from you? A Just a little over a mile, I think.

Q Was she living there in '66? A Yes, she was living there, she was living with her mother at that time.

Q What was her mother's name? A Ollie.

Q Ollie Cochran? A Yes, that was her name.

Q Then this Nancy Benge or Nancy Riley, was the Mistress of this Mary Rogers? A No; well, I could not say positively it was either her mother, Nancy's mother, or Nancy herself, I don't know exactly.

Q Ask him if he is prepared to dispute Nancy Benge when she swears she is the owner of Nancy Rogers? A I have stated that I don't know positively which one of these women owned Mary, but they belonged either to the mother or to the daughter, Nancy.

Q You can't swear that Mary Rogers didn't come to this Cherokee Nation in '66? A All that I can state is that I saw her the second time after seeing her in Fort Beatt, that I saw her move to near where I live.

Q Can you dispute this Nancy Benge when she swears she came here in 1866 and went backwards and forwards like the rest of us?

A Well, I hadn't made any inquiries as to where she may have come before that time, but then I was just stating the different times I have seen her, once in Fort Scott, and the next time over near where I lived something like four years afterwards.

Q Well, she might have been just visiting at Fort Scott or staying there for a short length of time when you saw her? A It didn't appear as they were ~~was~~ just there temporarily, because she had her household effects there and seemed to be living at home.

Q Did you stay there over night with her? A Yes, sir, I stayed with her a week.

Q How many times did you visit her there while she lived there?

A That is all, just this one week that I speak about.

Q That is the only time you were at their place in Fort Scott, Kansas? A Yes, sir.

Q And what year did you say that was? A It was in September, 1866.

Q That was the time you stayed there a week you say? A Yes, sir.

Q And that was the only time you ever were there? A Yes, sir.

Q Well, then she could have easily come down here in the Cherokee Nation between that and January, '67, without you knowing it?

Mr. Hastings: Come now the attorney for the Cherokee Nation and object to that because it is a conclusion for the Commission to draw.

Mr. Davis: The attorney for the applicant states that this witness is positive in regard to his statements and ought to be allowed to say whether or not this woman would have returned here in the fall of '66 or in the winter without him knowing it.

A Yes, that is so; she may have come between those dates and I would not know it.

Q You would not like to dispute Nancy Bengé when she swears positively that Mary Rogers came back here to the Cherokee Nation in '66? A Well, I am under oath to make a statement in regard to this case and I am simply stating what I know.

Q Ask him if he can write and read? A No, sir, not in English.

Q Can you read and write Cherokee? A Yes, sir.

Q What year were you born in? A We have lost the family record during the war; my age is 39.

Q Well, what year did the war between the United States and the Confederacy begin? A I was mustered into the service on July 11, 1862.

Q You don't know what year the war began? A It must have been in the year 1862.

Q Now, ask him when peace was declared? A In 1865.

Q How long after that did you see Mary Rogers, in Fort Scott, Kansas? A The time I saw her was in the year 1866.

Q You never saw her in Fort Scott, Kansas, after the year '66?

A No, sir, I didn't see her any more until I saw her four years after.

Q Where were these people living at that time, four years afterwards, in the Cherokee nation? A As I stated they rented a house near where I lived, and then afterwards they rented my house.

Q What year was it then rented your house? A I could not state the year, I don't know how long.

Q You have no idea what year it was? A No, sir.

Q Do you know what year you were married in? A It was about two years after the war closed.

Q Well, what year was it? A I am not able to state.

Q Now, how is it you can state the year and month when you saw this woman in Fort Scott, Kansas, and you can't state the year you were married in, and the year Mary Rogers went in this house of yours, or the year the war began; how is it that date in '66 fixes itself upon your memory and the other dates do not?

R.F. D. 40-44

- Q I have a memorandum of the time I was up there.  
Q Have you got your memorandum here? A No, sir, not with me.  
Q Where is it? A It is at home.  
Q Have you got a memorandum of the date when you were married?  
A Yes, I have a memorandum of that.  
Q How many times have you gone out of the Cherokee Nation in your life, since the war began? A That is the only time, just this time I speak of going with cattle out.  
Q When did you make your memorandum? A At the time I was up there.  
Q What did you make it in, a book? A Just as a piece of paper.  
Q How many sheets had the piece of paper? A Just one sheet.  
Q Then you have kept that sheet ever since? A Yes, sir.  
Q And there is nothing on that sheet just 1866, is that so?  
A Yes, that is on there.  
Q Is there anything else on there? A Well there is two or three things on the memorandum showing the time I left there with the cattle men and when I was up there and for what purpose I was up there.  
Q Was that writing in Cherokee or English? A It is in Cherokee.  
Q Well, where have you kept that memorandum, carried it around with you ever since? A Well, it has just been laid away at home.  
Q Why didn't it get burned up with the other papers, the record of your birth? A I didn't state that I had anything burned.  
Q I thought you said the record of your birth was lost, destroyed?  
A Well, that was in the possession of my parents, they lost it.  
Q Well, now what did you make this memorandum for, what was the purpose of your making it? A Just for my own benefit, I didn't think it would be of any value to anyone else, just for my own use.  
Q Well, the only way you know that Mary Rogers was in Fort Scott, Kansas, in '66 was by this memorandum? A Yes, sir.  
Q The reason I know it was in that year and in September, 1866, was the fact I made this memorandum at the time I was up there.  
Q If you hadn't made your memorandum you would not have known anything about it? (No response.)  
Q Did you remember the year or about the time when they went away from the Cherokee Nation to the Creek Nation? A No, I could not state the year they left the Cherokee Nation, but they lived around near me there for several years.  
Q Is your wife living now? A Yes, sir.

Mr. Hastings: The Cherokee Nation desires to give notice to the attorney for Applicant that additional testimony will be offered in this case on Saturday, September 15th, between the hours of eight o'clock A.M., and five o'clock P.M., at Fort Gibson.

---SEP200000---

J. W. Rowan, being duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 15th day of September, 1901.

Commissioner.



Cherokee Freedman  
D-60

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,

In the matter of the application for the enrollment of  
James Rogers as a Cherokee Freedman.

—1—

DECISION.

THE RECORD IN THIS CASE SHOWS: That, on April 12, 1901, James Rogers appeared before the Commission at Fort Gibson, Indian Territory, and made application for enrollment as a Cherokee freedman. Further proceedings in the matter of said application were had on September 5, and 7, 1901, at Fort Gibson, Indian Territory. A copy of the testimony taken at Fort Gibson, Indian Territory, on April 12, 1901, in re application of Mary Robbins for enrollment as a Cherokee freedman, is filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, James Rogers was born since the commencement of the rebellion, and is a son of one Mary Robbins, formerly Rogers, who was the slave of a Cherokee citizen at the commencement of the rebellion, and who left the Cherokee Nation during said rebellion, and did not return thereto and establish her residence therein, within the time specified in the decree of the Court of Claims rendered on February 2, 1896, in the case of Moses Whitwire, trustee, et al., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation. (Cherokee Freedman Enrollment card No. D 60, shows that Tess Rogers, deceased, father of the applicant, James Rogers, was a non-citizen of the Cherokee Nation).

Excepting the Kern-Clifton roll, neither the said applicant, James Rogers, nor his mother, Mary Robbins, can be identified on any roll of the Cherokee Nation in the possession of the

Commission, and which, among others, includes a roll of Cherokee citizens made during the summer or fall of 1867, under the direction of the Commissioner of Indian Affairs.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the application for the enrollment of James Rogers as a Cherokee Freedman, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 23, 1896 (30 Stat., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman

  
Commissioner

  
Commissioner

Dated at Muskogee, Indian Territory,

this JUN 30 1905



(COPY)

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Robbins, et al with which is consolidated the case of James Rogers, applicants for enrollment as Cherokee freedmen.

Stipulation.

Comes now the firm of Zevely, Givens & Smith for the applicants, and W. V. Hastings for the Cherokee Nation, and stipulate and agree that the above entitled case may be continued from Thursday September 27th until Thursday October 11th, and whereas notice has been given that the deposition of Dorcas Buffington is to be taken in said case on Wednesday September 26th at Melvin, I. T., it is agreed that said deposition shall be taken on Wednesday October 10, 1906.

Signed on this the 19th day of September, 1906.

Zevely, Givens & Smith,

Attorneys for Applicants.

W. V. Hastings,

Attorney for the Cherokee Nation

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

---!---  
Melvin, Indian Territory, October 19, 1906.  
---!---

-----00-----

In the matter of the application for the enrollment, as Cherokee freedmen, of Mary Robbins et al., consolidating the applications of James Rogers A-86, Mary Robbins et al. 389, Albert Rogers 397 and Lillie Love et al. 398, the records of this office show that on July 19, 1906, there was remanded to it for rehearing and readjudication the Cherokee freedmen case of James Rogers, said case to be consolidated with the cases of Mary Robbins, Albert Rogers and Lillie Love et al.; that on August 30, 1906, the principal applicants in the case, their attorneys and the attorney for the Cherokee Nation were notified that the case would be taken up for hearing at the office of the Commissioner on September 27, 1906; that the testimony of Dorcas Buffington, on behalf of applicants, would be taken at Melvin, Indian Territory, on September 26, 1906; that on September 19, 1906, it was stipulated by the attorneys for applicants and the attorney for the Cherokee Nation that the case should be continued until October 11, 1906, and the taking of the testimony of Dorcas Buffington at Melvin, Indian Territory, should be continued until October 10, 1906, on which latter date the following proceedings were had.

-----00-----

This case having been set for hearing on this date at Melvin, Indian Territory, and there being no notary or officer present authorized to administer oaths, it is agreed between the attorney for applicants and the attorney for the Cherokee Nation that the testimony of the witness, Dorcas Buffington, be taken, and that the same have the same force and effect as if she had been regularly placed under oath.

-----00-----

( James M. Givens appears on behalf of applicants.  
APPEARANCES: ( W. W. Hastings appears on behalf of the Cherokee Nation.

Mr. Givens:

- Q What is your name? A Dorcas Buffington.  
Q Your post office address is Melvin, Indian Territory?  
A Yes, sir.  
Q Are you a Cherokee citizen? A Yes, sir.  
Q How long have you lived in the Cherokee Nation? A I have been born in the Cherokee Nation.  
Q Do you know about how old you were when the war between the north and south in the United States broke out? A When we started to this country from Tennessee I was 12 years old. My old boss had my name in his bible.  
Q You were born in the old Cherokee Nation? A Yes, sir.

- Q You were a grown woman then when the war broke out ? A Yes, sir.
- Q What was your husband's name who was living when the war broke out ? A Harry Buffington.
- Q Do you know Mary Rogers who is an applicant for enrollment as a Cherokee freedman ? A I know the very woman who belonged to. She belonged to old Sarah Rainerow.
- Q Who owned Mary Rogers (now Mary Robbins) at the time the war broke out ? A Nancy Benge.
- Q Do you know whether Mary Rogers (Mary Robbins now) went north during the war and out of the Cherokee Nation ? A Yes, sir, she went up to Fort Scott.
- Q Where were you living at that time, what place ? A I went right off of a place we had moved to Illinois down to a Cherokee man's name Oonesadecoo.
- Q You were living in the Cherokee Nation then when the war broke out ? A Why, Yes, sir.
- Q Are you totally blind now - can you see at all ? A I cannot see one thing what has in this world.
- Q How long have you been blind, about how many years ? A Two years this here last June. In the morning I got up and I was blind. Going on three years now.
- Q You remember when the war was going on between the north and south ? A Yes, sir, I remember it.
- Q You remember when the war was over ? A I don't mean the date, but do you remember of hearing when the war was over ? A. Yes, sir.
- Q What kin is Mary Robbins to you ? A She is my sister's daughter.
- Q Do you know whether or not your husband took any steps to notify Mary Robbins and others to come back after the war was over ? A We sent out word to them particularly because they was my people.
- Q Sent them word it was necessary for them to come back ? A Yes, sir, if they wanted a right they better come right away.
- Q Do you know when Mary Robbins came back, what time of the year it was ? A No, sir, I don't know.
- Q Do you remember whether it was in the fall or in the spring ? A We was gathering in our things we had raised. I believe we had dug potatoes.
- Q You had dug your potatoes you think when she came back ? A Yes, sir.
- Q Do you dig your potatoes in the fall of the year after they are through growing ? A Yes, sir, after the frost falls on them.
- Q When Mary Robbins came back did she go to your house ? A Yes, sir, she came right to my house.
- Q Who was with her when she came to your house ? A Gint remember who it was now.
- Q Did she have any children when she came back to your house ? A She had a little boy with her.
- Q Do you remember his name ? A No, sir, I do not.
- Q Now your husband sent word to them up in Kansas that they must come back ? A Yes, sir, if they wanted any right.
- Q Do you know whether she came back in time ? A Yes, sir, she came back in time.
- Q Now can you remember how many crops you had raised after the war was over before Mary Robbins came back ? A Raised a crop this side of Gibson at the Vikings place there, and then he bought that place where Mary came from here and that made two crops.

Q That was the crop that you raised up here was the crop that you speak of as having gathered your potatoes ? A Yes, sir.

Cross-Examination.

Mr. Hastings:

- Q Do you know what year this is ? A This here now ? Why, No, sir.
- Q You don't know one year from another ? A I used to. When I had eyes to see I had a better mind than I have got now.
- Q You don't know what year then you first saw Mary after the war ? A I don't know.
- Q Who did she come back with ? A I don't remember who she did come back with, but I know she come and we were all glad to see her and tell her she got here inside the limit.
- Q How long did she stay there ? A She stayed there several months.
- Q About how long did she stay there before she went back to Kansas ? A Until after her child was born.
- Q What was that child's name that was born there ? A Jim Rogers.
- Q Then did she go back to Kansas ? A She went back when she got able - went after the balance of her things.
- Q When she come back the next time how many children did she have the second time ? A Went right there and back.
- Q How long was she gone ? A She was not gone very long. Now you are questioning me too much. I believe that is another man talking to me.
- Q How long was she gone ? A I don't know. You talk to some of the balance 'cause the lawyer sent for me here.
- Q I am asking you how long she was gone ? A I don't know how long she was gone.
- Q Three or four years ? A No, sir, she went right up there and come back after she got able to go.
- Q When did you first see Tosh Rogers ? A I always did know Tosh Rogers ever since she had been living with her.
- Q Well Tosh Rogers came back with her the next time ? A Not until she got there - stayed up with the man she is living with.
- Q How long after she came before Tosh came ? A It was a good bit before he got off.
- Q Did Tosh come with her the second time ? A No, sir, he told me he would be on as quick as he paid Wilson.
- Q Now the first time she come did she come with a man by the name of Joe Brown from Gibson Station ? A Joe Brown was my son-in-law. He might have brought her.
- Q You recollect the circumstances of her coming the first time ? A I do because we were looking for her.
- Q You remember who brought her ? A I don't know who come with her at that time, but I remember something about Joe Brown. He might have brought her. There was no trains running when she come.
- Q How did she come from Gibson Station then ? A When she come she didn't come from Gibson Station since I stated about it.
- Q Where did she come from ? A From Kansas, Grand Island Ford.
- Q Who did she come with ? A I don't know.
- Q You have got no idea about that at all ? A No, sir.
- Q Did she have any children at all when she come ? A She had a little boy with her.
- Q What was his name ? A Yennie.



- Q How old was Tennie ? A I don't know. I cannot tell you anything about the age of other peoples children.
- Q Was Tennie her child ? A Yes, sir.
- Q Called Tennie Rogers ? A Yes, sir.
- Q One of Tash's children ? A Yes, sir.
- Q Don't you know that she went back to Kansas and that she had three children born to her before she returned ? A That is what she says. You know I never went nowhere. I never went to Fort Scott.
- Q Was she gone long enough to have three children born to her before she returned ? A Yes, sir.
- Q Then she was gone some three or four years before she came back ? A Yes, sir, because the war held four years.
- Q I mean after she came the first time before she came the second time ? A Yes, sir, she went right up there and come back.
- Q Well it was a very short time between the first time and the second time ? A Yes, sir, she went back after she got better.
- Q How long did she stay up here before she went back the second time, a month ? A I don't know. I cannot tell you.
- Q What is your best judgment ? A I don't know. I have got tired now. Seem like my first testimony ought to tell the truth to you. If I was educated like you I would ask you some back questions.
- Q You don't know who was brought back with her the last time she came ? A She didn't bring nobody with her less'n Tothie come with her.
- Q Where did she stay the last time she came back ? A She went over to Sam Cloud's place.
- Q Where is that place, auntie ? A Not very far over here up between me and Miss Benge. I am staying with my daughter, and that place I bought it from this same woman here, Miss Benge.
- Q Did you and she go over there to live by yourselves ? A Yes, sir.
- Q Then Tash came back with her the last time ? A He might have.
- Q Is that your recollection ? A I want to recollect right. I am full as a tick now. You ask me too many questions.
- Q Your recollection is not very good, is it ? A No, sir, not now.
- Q You don't know when the Wallace roll was made, do you ? A I was at that roll.
- Q Do you remember the year ? A No, sir.
- Q You don't remember when the Burns-Clifton roll was made, do you ? A No, sir.
- Q You don't remember the year do you ? A No, sir, I cannot tell the date of the year.
- Q Could you read and write before your eyes went blind ? A No, sir, I went to school with my master's children long time I went to school with them.
- Q Can you read and write ? A No, sir, I never could read and write.
- Q How you think that Tash came back with her the last time she came, do you ? A I think it must have been Tash.
- Q And they lived together down here in the Sam Cloud place ? A Yes, sir.
- Q Is that your best recollection ? A Yes, sir.
- Q You were a slave before the war yourself ? A Yes, sir.
- Q And Mary Robbins is your niece ? A Yes, sir.



- Q And you are not certain who brought her back the first time after the war ? A No, sir, I aint certain. I aint certain who came back with her the first time.
- Q And you don't know what year it was ? A No, sir.

Witness excused.

-----000-----

Wm. L. Martin, stenographer to the Commissioner to the Five Civilised Tribes, on oath states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Wm. L. Martin

Subscribed and sworn to before me this the 16th day of October, 1906.

Wm. L. Martin  
Notary Public

Cherokee Freedmen 389 et al.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, IND. TER., OCTOBER 11, 1906.

In the matter of the application for the enrollment of  
MARY ROBBINS ET AL., as Cherokee Freedmen.

Applicants appear in person and by Attorney,  
James M. Givens, of Zevley, Givens & Smith:

Cherokee Nation represented by Attorney, W. W. Hastings.

The records of this office show that the Cherokee Freedmen case of James Rogers was, on July 19, 1906 (I.T.D. 7802-1906), remanded to the Commissioner to the Five Civilized Tribes for rehearing and readjudication, to be consolidated with the Cherokee freedmen cases of Mary Robbins et al., Albert Rogers, and Lillie Lowe, et al.; that on August 30, 1906, the applicants, their attorneys and the attorney for the Cherokee Nation were notified that the case would be set for hearing at Muskogee, Indian Territory, on September 27, 1906; that on September 19, 1906 a stipulation between the Attorneys for the applicants and the Attorney for the Cherokee Nation, was filed with the Commissioner, agreeing that said case should be continued until October 11, 1906.

The same being called for hearing on this day, the following proceedings were had:

NANCY BENGE being first duly sworn by Charles E. Webster, testified as follows:

Examination by Mr. Givens:

- Q. What is your name? A. My name? My name now-they used to call me Nancy Benge, then they called me Nancy Raper--Benge.
- Q. Then your name is Nancy Benge? A. Yes sir.
- Q. What is your postoffice address? A. Melvin.
- Q. Indian Territory? A. Yes sir.
- Q. How old are you? A. Oh, I am old, just see the gray locks on my head.
- Q. Well, about how old? A. Well, I could not tell you, sir, but I am old; my boys have all got gray hair too.
- Q. Do you remember the war between the North and South? A. This last war? Of course I do.
- Q. About how old were you at that time? A. I don't know, I had two children.

Objected to by representative of the Cherokee Nation, for the reason that it is calling for a conclusion and opinion of the witness on the question which is now being investigated, namely: the date of the return of the principal applicant in this case.

Commissioner: Objection will be noted. Witness will answer.

- A. Yes sir.
- Q. I believe you stated that Mary Rogers came to see you and told you that she had just returned to Dorcas Buffington's? A. She had been there a week before she came to my house to see me, and found me right there where she had left me.
- Q. When was the next time you saw her, after the time she came to your house, after she came to Dorcas Buffington's?
- A. She was just staying with her aunt, Darkey Buffington.
- Q. While Mary was staying at Darkey Buffington's, did you see her more times than the time she came over to your house to see you? A. Yes sir, I seed Mary all the time.
- Q. Can you remember what year it was that you first saw her after she came back from being away? A. After she cam back from away up there?
- Q. Yes, ma'am? A. She came back in '66, as near as I can recollect.
- Q. Mrs. Benge, what makes you remember that it was in '66?
- A. Why, I heard it, everybody was talking about it.
- Q. Was this after peace had been declared? A. Yes sir.
- Q. Can you remember about how long it was after you heard that peace had been declared between the North and South, it was until you saw Mary Robbins at your house? A. It wasn't long No sir, they was all coming back.
- Q. When you say they were all coming back, who is it you mean?
- A. Oh, everybody--that went away from the Indian Territory.
- Q. You mean Indians and colored people were coming back?
- A. Yes sir, all the people.
- Q. Mrs. Benge, when you first saw Mary Robbins, after her return you think it was in the fall of the year? A. I guess it was in the fall like, it has been so long I have forgot just about that.
- Q. What makes you think, Mrs. Benge, that it was in the fall; can you remember whether the crops were gathered when she came back-- is there anything to make you remember whether the crops had been gathered that year when you first saw Mary Robbins after her return? A. No sir, I don't

By Mr. Hastings:

- Q. Mrs. Benge, can you read and write? A. No sir, I can not.
- Q. Do you know what year the big Cherokee Strip payment was made?
- A. No sir, I do not remember anything like that.
- Q. Do you know one year from another? A. No sir, I don't really.
- Q. You don't know this year from any other year?

- Q. Do you know Mary Robbins here, who is an applicant for enrollment as a citizen of the Cherokee Nation? A. Yes sir, she is a citizen.
- Q. State whether or not you are a citizen of the Cherokee Nation. A. Yes sir, I ought to be, I was born here.
- Q. Was Marry Robbins, who used to be Mary Rogers, a slave of yours? A. Yes sir, she was.
- Q. Did you know her at the time the war broke out? A. Yes sir.
- Q. Do you know whether or not she left the Territory, or where she was during the war? A. She went north; I don't know where she went.
- Q. Do you know Dorcas Buffington? A. Yes sir.
- Q. Did she live in the Indian Territory, during the time of the Civil War, the war between the North and South? A. Yes sir she lived in the Territory.
- Q. Mrs. Bengé, about what distance did she live from you? A. She lived about three or four miles from us. Right there on the Creek.
- Q. Do you remember of hearing when the Civil War had closed; that that is that peace had been declared between the North and South. A. What year it was?
- Q. No, I don't mean the date, but do you remember hearing that peace had been declared? A. Yes sir, of course.
- Q. Do you remember of hearing at that time that there was a time within which former slaves must return to the Indian Territory? A. What time?
- A. I don't mean the date- but do you remember hearing that there was a time within which former slaves must return to the Cherokee Nation? A. Oh, yes sir, they must come back.
- Q. Do you know whether or not Mary Robbins returned to the Indian Territory, after she had been away? A. What year and what month?
- Q. No, do you remember that she returned? A. Yes.
- Q. Do you know where she returned to, whose house she came to after she came back to the Indian Territory? A. She came to her Aunt's.
- Q. Who was her aunt? A. Aunt Darkey Buffington.
- Q. Dorcas Buffington? A. Yes sir.
- Q. After Mary Robbins came back to her Aunt's state whether or not she came to your house? A. Yes sir she came to my house.
- Q. Do you know how long after she came to Dorcas Buffington's she came to your house? A. I expect just about a week.
- Q. Do you know what time of the year it was- whether in the spring or summer or fall? A. I think it was in the fall, I suppose it was in the fall- I can't remember good, just like I used to.
- Q. Mrs. Bengé, did you hear before the return of your former slave, Mary Robbins, or Mary Rogers, that it was necessary that a slave should return within a limited time in order for the former slave to have rights in the Cherokee Nation? A. Yes sir.
- Q. According to your recollection of what you heard at that time did Mary Robbins return within the time which you understood to be the time within which slaves had to return to the Cherokee Nation?

Cherokee Freedmen 389 et al #4

A. No sir.

Q. You was over at Melvin yesterday and heard the examination of Dorcas Buffington? A. Course I was there, you was over there.

Q. And you heard it? A. Yes sir.

Q. When you testified before the Commission before, at Fort Gibson, April 12, 1901, you did not, at that time, say anything about Mary Robbins coming back to Dorcas Buffington's did you? Did you? A. You all didn't ask me that question. You all never mentioned it, any of you.

Q. Did her husband come with her? A. No sir, he never come.

Q. How many children did she bring with her? A. Nary one- only one,

Q. What was its name? A. Tony.

Q. How many years after the war was that? A. When she come?

Q. That is what I asked you? A. Well I couldn't answer that; I don't feel right---

Commissioner:

Just take your time, you are sworn to tell the truth and all the truth; that is all we want, take your time and answer the very best you can, you will not be hurried.

Witness:

I do not like to be cross-questioned, just ask me right straight along and I will answer.

Mr. Hastings:

Q. How many years after the war was that? A. When she came back?

Q. Yes? A. What year was it?

Q. How many years after the war? A. It wasn't quite a year, maybe, you see Mr. Hastings, us Cherokees that can't read and write, we don't know things like that, we just know it is day and it is night, and another day, when the chickens crow we know it is pretty near day; just know days and nights.

Q. And that is all you know about time? A. No, I know something about it, but I don't like to have you cross question me.

Q. Have you been married since the war? A. No sir.

Q. Never have? A. Since the war, you say? Of course I have

Q. How many times? A. I lived with my man until he died, and after he died I never married any more.

Q. When did he die? A. It is me you are trying is it? not her.

Q. I am asking you what year your husband died? A. I don't know what year it was?

Q. Then I understand you do not know one year from another, do you? (Witness does not answer)

Commissioner: Answer his question-Do you know one year from another? A. Of course, I do.

Mr. Hastings:

Q. You do? A. Yes, of course, Lord A'mighty, of course.

Q. Well, can you tell us any year that any per capita payment was made, since the war?



Cherokee Freedmen 389 et al. #5.

- A. That is--I don't understand you.
- Q. Can you tell us any year in which a per capita payment was made since the war? A. Well, her trial don't go that far does it?
- Q. But I asked you do you know any year that any per capita payment was made? A. But I tell you you don't want to ask me questions about the law, and the old lady and things I don't know anything about.
- Q. Now, I ask you if you remember any year in which a Cherokee payment was made since the war? A. No sir, I do not.
- Q. How long after Mary came was it you saw her husband, Tosh Rogers? A. Well, I guess about a year, maybe not so long.
- Q. Did she stay here all the time after she came down until her husband came? A. Yes sir, she was staying with her aunt; I think so, its been so long.
- Q. She stayed there with her aunt? A. She stayed at Mrs Buffington's and then she stayed on Mrs. Brewster's place, and she stayed there till her husband come.
- Q. And it was not quite a year after she came down until her husband, Tosh Rogers, came? A. May be a year.
- Q. And she never went back up to Kansas? A. She went back up and got her things.
- Q. How long was she gone? A. She wasn't gone long, a month maybe, Maybe not quite.
- Q. You remember now hearing what Dorcas Buffington swore to yesterday, don't you? A. Yes sir, of course, I did, but I couldn't hear good, I could not hear all she said, she talked so low.

MARGARET SANDERS being first duly sworn by Chas. E. Webster, testified as follows:

Examination by Mr. Givens:

- Q. What is your name? A. Margaret Sanders.
- Q. What is your postoffice? A. Melvin.
- Q. Indian Territory? A. Yes sir.
- Q. Do you know how old you are? A. No sir, I do not.
- Q. Do you remember the time that there was a war between the North and South in the United States? A. I do.
- Q. Were you grown at that time? A. I was a young woman.
- Q. Do you know Dorcas Buffington? A. Yes sir.
- Q. Do you know Mary Robbins? A. Yes sir.
- Q. Where were you born, in what nation? A. In the Cherokee Nation.
- Q. Did you leave the Cherokee Nation during the war between the North and South? A. Yes sir.
- Q. Do you know whether Mary Robbins left the Cherokee Nation during the war? A. Yes sir.
- Q. Did you see her after she returned? A. Yes sir, I seen her shortly after she returned, at her aunt's.
- Q. Who was her aunt? A. Darkey Buffington.
- Q. Dorcas Buffington? A. Yes sir.

- Q. Was that before peace was declared or after peace? A. It was after peace.
- Q. Do you remember what time of the year it was that you saw her at her aunt Darkey Buffington's after peace was declared?
- A. It was in the fall when I saw her there.
- Q. Do you know how long after she returned to the Cherokee Nation it was that you saw her there? A. I had heard of her about a month or two before ever I saw her.
- Q. Can you tell how long after peace was declared it was till you saw Mary Rogers at Dorcas Buffington's house in the Cherokee Nation? A. Year, or year and a half, or two years.
- Q. Are you sure it was in the fall of the year? A. It was in the fall of the year that I saw her.
- Q. What makes you think it was the fall of the year; had the crops been gathered? A. They was gathering in crops.
- Q. That is what makes you think it was in the fall? A. Yes sir.
- Q. At the time that you saw Mary Rogers, whose name is now Mary Robbins, was her husband Tosh Rogers, with her? A. No sir.
- Q. Did you know Tosh Rogers? A. Yes sir, I did.
- Q. You say she came back to the Indian Territory after peace was declared? A. A good while after she came back.
- Q. I said did you ever see him back in the Indian Territory after peace was declared? A. A good while after she came back.
- Q. How far was you living from Dorcas Buffington's house at the time you first saw Mary Rogers after she had returned from her absence from the Indian Territory? A. About four or five miles.
- Q. Do you know how long Mary Rogers stayed at Dorcas Buffington's house after her return? A. No sir, she stayed there awhile.
- Q. Do you know where she went after she left Dorcas Buffington's house? A. I suppose she went on that place of Houston Benges I won't be certain about that.
- Q. Do you know whether after Mary had returned to the Cherokee Nation she ever left the Indian Territory? A. She went away again, I heard.
- Q. You do not know that personally? A. Yes, she went away.
- Q. You heard about peace being declared between the north and south, did you? A. Yes sir.
- Q. State whether or not you heard there was any time given in which former slaves must return to the Nation in order to get their rights as Cherokees. A. I heard there was a time for them to come in. If they didn't they was barred out.
- Q. At that time did you know what the time was? A. They was all to come in; they was to come in in '66, I believe.
- Q. But shortly after the war, did you know at that time what the time was? A. Yes sir, I heard everybody talking about it.
- Q. And at that time you knew what people said as to the time for mer slaves must come back in order to receive their rights as Cherokees? A. Yes sir.
- Q. From your recollection as to that time, did Mary Rogers, or Robbins, return within the time which you understood to be the time for slaves to return and get their rights?
- A. Yes sir, that was it, they said she come in time.
- Objected to by representative of the Cherokee Nation, and moved to strike this question and answer from the record, because it is calling for an opinion of the witness.

Objection will be noted.

- Q. Do you know James Rogers, the applicant here? A. Yes sir.  
Q. Is he a son of ~~Mrs~~ Mary Robbins, also an applicant in this case?  
A. Yes sir.  
Q. Do you know whether or not James Rogers was born in the Indian Territory? A. He was born up there on the Brewster place.  
Q. Is that in the Indian Territory? A. Yes sir.  
Q. Cherokee Nation? A. Yes sir.  
Q. Do you know whether or not James Rogers was born after Mary Rogers returned to the Cherokee Nation or before she left here?  
A. He was born here; she took him back when she went back to Kansas.  
Q. My question was, do you know whether James Rogers was born in the Cherokee Nation after the time that Mary Returned to the Cherokee Nation? A. Yes sir, he was born after she came back.

By Mr. Hastings:

- Q. Do you know what year this is, Auntie? A. 1906, aint it, you know I can't read, I bn't know anything, I am just telling as well as I know, I think it is 1906.  
Q. Do you know? A. I tell you what I think.  
Q. Can you read or write? A. No.  
Q. What year were you married in? A. I don't know anything about dates, and I never married, I just took up with my man and lived with him.  
Q. What year was that? A. About twenty years ago.  
Q. What year was it? A. Twenty years ago-over twenty years ago, and I am living with him yet.  
Q. Well, what year was it you took up with him? A. I don't know what year it was.  
Q. You don't know what year that was? A. No, never paid no attention to that.  
Q. How long after Jim Rogers was born before you saw Tosh, his father?  
A. I don't--pretty near a year, a long time after she came before he come.  
Q. You say she went back? A. Yes sir.  
Q. And stayed until Tosh came? A. No sir, she didn't come with Tosh, left him there.  
Q. Who did she come with the first time? A. I don't know, Joe Brown and his wife met her.  
Q. At Gibson Station? A. I don't know, I know they brough her in.  
Q. They had not been gone long, they were just gone a day or two and brought her in? A. Yes sir.  
Q. From Gibson Station? A. I don't know, I just know they met her. I saw them on the road from Wagoner; I met them in the road, they was all walking.  
Q. Were they just coming in? A. She was just coming in then, and she went back again.  
Q. But this first time, that you met them in the road, she was just coming into the country? A. Yes sir.  
Q. And she was with Joe Brown and his wife? A. Yes sir.  
Q. And they had been up about Gibson Station to meet her?  
A. There some where.  
Q. That was your understanding at that time? A. Over there where Gibson Station is now.  
Q. You heard that at the time? A. Yes sir.  
Q. How many children did Mary have with her?

- A. One boy.
- Q. What was his name? A. ~~Tony~~ Tony.
- Q. Who did you hear that she went back with, when she went back to Kansas to where Tosh was? A. I think she went back with a man they called Buck Bushyhead.
- Q. Buck lived at Fort Scott Kansas? A. Yes sir. He came in and went back with her.
- Q. And when she came in you met Joe Brown and his wife with her in the road? A. Yes sir, they was with her.
- Q. You dont know anything about dates and wont swear that? A. Yes sir, I know they said she come in time, in '66, in time.
- Q. And you swear to that? A. They said she was in time, that it was in '66.
- Q. About how long did she stay before she went back? A. Nearly two months before she went back, and this boy, Jimmie, was born before she went back.
- Q. Were you over at Melvin, yesterday? A. Yes sir.
- Q. You heard us question Aunt Dorcas Buffington? A. Yes sir.
- Q. You heard all we asked her, and what she said.
- A. No sir, I never, I want to tell the truth, myself.
- Q. Do you know what year Wallace made a roll? A. I was to the Roll when they made it, but I don't know when it was made.
- Q. You don't know what year the Kern-Clifton roll was made? A. No sir.
- Q. Do you know any year that you ever drew any money since the war?
- Q. I know when they said we was drawing Bread Money.
- Q. Do you know what year it was? A. No.
- Q. In other words, you remember the circumstances, but not the years? A. Just what I hear people say.
- Q. Do you know what year the war closed? A. I know the war held four years.
- Q. But you do not know what year it closed in? A. No sir. I aint going to tell anything more than I know.
- Q. Have you any children? A. Nary one.
- Q. Did you ever have any children born to you? A. No sir.
- Q. You think it was two or three years after the war that you first saw this woman? A. Not three years.
- Q. As many as two? A. About two years.
- Q. About how long after you first saw her until you saw Tosh? A. She came in here and left him behind.
- Q. About how long? A. About a year.
- Q. Well, it was about a year from the time when you first saw Mary until Tosh came here? A. Yes sir.

MARY ROBBINS, being first duly sworn by Chas. E. Webster testified as follows:

Examination by Mr. Givens:

- Q. What is your name? A. Mary Robbins is my name now.
- Q. Who is your husband? A. Heck Robbins.
- Q. Were you ever married before you married Heck Robbins? A. Yes sir.
- Q. What was your former husband's name? A. Tosh Rogers.
- Q. Where did you marry Tosh Rogers?

- A. We lived together here before the war, but we married in Kansas.
- Q. Where do you mean by here? A. In the Cherokee Nation.
- Q. Did you have any children by Tosh Rogers before the war began?
- A. Yes sir, I had one
- Q. What was its name? A. ~~Tommie~~ Tony.
- Q. After the war between the North and South began, did you leave the Indian Territory? A. Yes sir.
- Q. Before the war were you a slave? A. Yes sir, I was a slave.
- Q. To whom did you belong? A. Nancy Bengé.
- Q. That is the lady who testified here to-day? A. Yes sir
- Q. After the beginning of the war did you leave the Cherokee Nation?
- A. Yes sir.
- Q. Where did you go? A. Went in Fort Scott, Kansas.
- Q. At the time you went to Fort Scott, Kansas, did Tosh Rogers, with whom you had been living, go with you? A. Yes sir, he went with me
- Q. When you lived in Kansas were you married to Tosh Roberts?
- A. After we got there a long time that was a long time.
- Q. I asked you if you were married? A. Yes sir.
- Q. Where were you married to Tosh Rogers in Kansas? A. Why, in Fort Scott.
- Q. Why did you marry? A. Why because we had lived together here so long, and up there they made us marry
- Q. After you got to Kansas did you have any children by Tosh?
- A. After who got there?
- Q. After you got up there? A. Yes sir, I was in a delicate state when we left here.
- Q. How long after you got to Kansas was it that you gave birth to a child? A. About three weeks, I guess.
- Q. What was the name of that child? A. Tommie.
- Q. How long did he live? A. He lived a week.
- Q. Did you have any other children in Kansas besides Tommie?
- A. Yes sir.
- Q. How many? A. Two more.
- Q. What was the name of the first child you had after that time?
- A. Emma was the next
- Q. How long did Emma live? A. About two weeks.
- Q. Was Emma a full birth child? A. No sir, my health was bad, very bad, and I had to work, and I couldn't get along, she was a seven months child.
- Q. What was the name of the other child you had in Kansas? A. Tee.
- Q. Was that a boy or girl? A. A boy
- Q. How long did he live? A. About two weeks.
- Q. Was he born in full time? A. No sir, he was an eight months child.
- Q. You state that your health was bad at that time? A. Yes sir
- Q. Did you do any work in Kansas? A. Yes sir, I worked, I washed all the time I was able.
- Q. After you were in the state of Kansas did you ever return to the Cherokee Nation? A. Yes sir.
- Q. Where did you come back to in the Cherokee Nation.



- A. Why to Uncle Harry's right there.
- Q. Harry who? A. Harry Buffington, Aunt Dorcas's husband, and Billy Brown went round and told them all to come home.
- Q. Why? A. To go home so we would have a right at home, to get back in '66:
- Q. Who was Billy Brown, Indian or freedman? A. A freedman.
- Q. And you came back to the Cherokee Nation? A. Yes sir, I did
- Q. Who came with you, if any one? Joe Brown--Humes, I got in Humes' wagon there.
- Q. Was there any one else in Humes' wagon besides Humes?
- A. His wife, and there was a good many of them along.
- Q. Did you bring your child, Tony, with you? A. Yes sir.
- Q. Did you come straight from Kansas to the Cherokee Nation?
- A. Yes sir.
- Q. Where did you leave Humes' wagon on your way back?
- A. Right over where Gibson's station is now, but there wasn't any station there then.
- Q. Was there any railroad there at that time? A. No sir, there wasn't any.
- Q. After you left Humes' wagon, where did you go?
- A. Joe Brown and his wife knowed I was coming and they met me and we walked.
- Q. Walked where to? A. To Aunt Dorcas
- Q. Aunt Dorcas who? A. Buffington.
- Q. Went to her house? A. Yes sir, right to her house.
- Q. Is that in the Cherokee Nation? A. Yes sir.
- Q. How long did you stay at her house? A. I couldn't tell you sir, a while, but it wasn't so very long.
- Q. Then where did you go? A. Went to Houston Bengé's place.
- Q. Is that in the Cherokee Nation? A. Yes sir.
- Q. Then from Houston Bengé's place where did you go?
- A. To Mrs. Brewster's place.
- Q. Do you know James Rogers who is an applicant for citizenship in this case? A. Yes sir, he is my son.
- Q. Where was James born? A. Right there in Mrs. Brewster's old log house, and my mother was with me.
- Q. Is he a son of Tosh Rogers? A. Yes sir, ~~he~~ he sure is.
- Q. Were you with child when you left Kansas? A. Yes sir, with him:
- Q. And James Rogers was born after that? A. Yes sir.
- Q. What did you do at Dorcas Buffington's. A. Just helped her round,
- Q. After you came back to the Cherokee Nation, in the Indian Territory, did you go to see Nancy Bengé, your former mistress?
- A. Yes sir, I did.
- Q. Can you remember how long you had been back in the Cherokee Nation before you went to see her? A. I don't know, didn't pay no attention to that, just went to see her, we was all glad to see one another.
- Q. You do not remember about how long you had been back when you went to see her?
- A. Well, let me study over it; I guess I had been back about a week when I went to see her.

- Do you remember what time of the year, whether in the spring or summer or fall, it was when you came back to the Cherokee Nation? A. It was in the fall.
- Q. How do you know it was in the fall? A. Well the leaves falling off the trees, that's the only way I know.
- Q. When you came back to the Cherokee Nation did your husband, Tosh Rogers come with you? A. No sir.
- Q. Why did he not come back with you, do you know? A. Why, yes sir, I know why.
- Q. Why, A. He had to work to pay his debts.
- Q. When you came back to the Cherokee Nation after peace was declared did you bring all your household effects with you? A. No sir, I did not.
- Q. How long was it after the birth of your son James until you returned to the state of Kansas? A. He was old enough to carry around, let's see-- I guess he must have been four or five months old, I guess.
- Q. Did you take James Rogers back with you when you went back up to the state of Kansas? A. Yes sir.
- Q. Did you take your other son, Tony? A. Yes sir, he went back with me.
- Q. For what purpose did you go back to Kansas the second time? A. I went back after what little I had left up there.
- Q. Do you know who went with you when you went back to Kansas the second time, after the effects you had left there? A. Charley Bushyhead. Buck Bushyhead we always called him.
- Q. Was he an Indian or a Freedman? A. He was a mixed blood; had been a slave.
- Q. When you went back to Kansas how long did you stay there? A. About a month I guess, not quite that long, about three weeks.
- Q. Did you come back then to the Cherokee Nation in the Indian Territory? A. Yes sir, I come back.
- Q. Who came back with you besides your children? A. Buck Bushyhead.
- Q. The same man that took you back to Kansas? A. Yes sir.
- Q. Did you bring back your household goods? A. Yes sir.
- Q. Did your husband come back with you? A. Not that time, he came soon after.
- Q. Do you know why he did not come at that time? A. He said he was not through yet.
- Q. Was not through what? A. Working-paying his debts.
- Q. When you came back from Kansas the second time, where did you come to? A. Back to the old place where we was living.
- Q. What place is that? A. The Brewster place.
- Q. After you came back to the Brewster place how long did you stay there? A. About a year, I guess.
- Q. Then where did you move? A. Yes sir, then we moved to an Indian man's by the name of Sam Cloud, Sam Cloud's place, bought his place.
- Q. Did you have any children besides James born to you after you came back to the Cherokee Nation? A. Yes sir.
- Q. Name these children- who was the first one? A. Fannie,
- Q. Next? A. Albert.
- Q. Next? A. Ed.
- Q. Next? A. Frank.
- Q. Next? A. Lillie.
- Q. Is that Lillie Lowe, an applicant in this case? A. Yes sir. All the rest of my children was born right here.
- Q. On the Sam Cloud place in the Cherokee Nation? A. Yes sir,

On the Sam Cloud place in the Cherokee Nation.

Q. Do you know when your husband, Tosh Rogers, died? A. I don't know. That girl down there knows better than me when her father died. I never noticed the months, nor neither the years.

Q. What place were you living when Tosh Rogers died?

A. He died right there at Margaret Sanders's house.

Q. Where were you living at that time? On the Sam Cloud place?

A. I was hired out working then; mother was there.

Q. When you went back to the state of Kansas did you go back there to live or for your goods? A. No sir, I never went back there to live. My home was here and I knowed it. I just went back after my things that I left.

By Mr. Hastings:

Q. For whom was your husband working in the state of Kansas?

A. He just worked for anybody.

Q. Did he ever work in a stable up there? A. Yes sir, he worked in one stable up there.

Q. What was that man's name? A. I-- I forget now-- I just can't remember.

Q. Wilson? A. No sir, Wilson had another man.

Q. Did not your husband ever work for Wilson? A. A very little. He worked other places.

Q. Do you remember when Wilson's livery stable burned down? A. Yes sir.

Q. You were living in Wilson's house at that time? A. No sir. I don't think so.

Q. You know whether you were living in his house; You know when the stable burned down? A. Yes sir, I guess so, I guess we were.

Q. About two hundred yards from the stable? A. I don't know, sir-- Blair's stable burned down, that is the one I remember.

Q. But Wilson's stable burned down-- you remember that? A. Yes sir,-- I don't know, sir--

Q. You were living in one of Wilson's houses? A. I guess so; I don't remember.

Q. Is Fannie older or younger than Jim? A. Who did you say?

Was Fannie older or younger than Jim? A. Younger than Jim.

Q. How much? A: I don't know. I don't know their ages.

Q. Two years? A. I reckon.

Q. Fannie was born in Fort Scott? A. No sir, she was born right here. She wasn't born in Fort Scott.

Q. How did you happen to meet Joe Brown away out on the prairie when there was no place there to meet him? A. There was a path-way there.

Q. Path-way up to Gibson Station? A. There wasn't any Gibson Station there then.

Q. There was? A. There was a road there, and that man that was with us emptied us out there.

Q. Why did you write him to meet you at Gibson Station?

A. Because I was fixing to move home.

- Q. How could you designate a place to meet you? A. Why I went from here.
- Q. But how could you designate in a letter to Joe Brown, to meet you at Gibson Station? A. Why they written me where to come.
- Q. To Gibson Station? A. There wasn't no station there then; there was a road that comes that way. It is named Gibson Station now, but it wasn't named anything then.
- Q. If there was nothing there but bald prairie can you explain to the Commissioner how you designated a meeting place, and how you come to select that place? A. Well, anyhow we got there.
- Q. How did you designate that meeting place? A. I don't know sir, I can't tell you now anything about that, but I know how we come in a wagon and got out there.

ELIZABETH C. GOODLANDER, witness for the Cherokee Nation, sworn by Chas. E. Webster, testified as follows:

By Mr. Hastings:

- Q. What is your name? A. Elizabeth C. Goodlander.
- Q. Your postoffice? A. Fort Scott, Kansas.
- Q. How long has Fort Scott, Kansas been your postoffice? A. All my life, fifty-seven years the eleventh of next November.
- Q. What was the name of your father? A. H. T. Wilson.
- Q. Did he live in Fort Scott, Kansas? A. Yes sir.
- Q. Did you know a colored family during and after the war, the head of which was Tosh Rogers? A. Yes sir.
- Q. Did you know his wife? A. Yes sir.
- Q. What was her name? A. Mary.
- Q. About when did you first learn to know this family? A. To the best of my remembrance in the year of 1863.
- Q. How long did you continue to know them? A. Until November, '72.
- Q. Had they some children? A. Yes sir.
- Q. How many? A. Three to my knowledge.
- Q. What were their names? A. Tone, Jimmie and Fannie.
- Q. Do you remember whether they were born there? A. It is my impression they were; Fannie was I know, because she was named for my younger sister.
- Q. Did this family do any work for your family? A. Yes sir, Tosh was in my father's employ from about '63 until '72, took care of the horses, built fires, worked in the garden some I think.
- Q. Did the chores about your father's place? A. Yes sir, what one would expect a man to do around the place. Our house was all heated by grates then and it was more laborious than it is now.
- Q. Did his wife live with him all of that time? A. So far as I know.
- Q. Did you ever miss her from up there from the time you first knew them in '63 until about November, '72? A. No sir, unless she was away for a few days, or something of that kind.
- Q. Could she have been away for any length of time without you knowing it?

Exx

Cherokee Freedmen 389-et al. -#14

- A. I scarcely think so.
- Q. On whose place did they live? A. In a house belonging to my mother; the house was included in the wages that Tosh received.
- Q. About how far was that from the house your family occupied?
- A. Well, I would say about one hundred yards, may have been a little more or a little less.
- Q. Did they live there continuously until 1872? A. To the best of my remembrance. That was their home when they left Fort Scott, and had been for a number of years.
- Q. Why do you fix November of '72 as the time they left ~~xxx~~ there?
- A. Well, I was married in December, '72, and we had a barn burned in November, '72, in which both of our carriage horses were burned up. Tosh had been dismissed, and we had a new man, and unfortunately we had only one key to the barn- when Tosh was there we had two keys, but they put up an extra bar across the door and had only one key, and the horses burned up.\* It is very plain in my mind that in was in November, 1872, that he was there.
- Q. Did Mary do work for your family? A. Once in a while, but not often, because we had good steady help in those days.
- Q. You know Fannie, her child, was born there? A. Yes sir, I can swear to that, about Jimmie, I cannot say. I think Tone was their child when they came there. They may have had other children and lost them, but these three are very distinct.
- Q. Have you ever seen Mary Rogers since she left there? A. No sir.
- Q. I will ask you to see if you can identify this woman here?

Witness to Applicant--Don't you remember me Mary?

Applicant: No, I don't remember you ma'am

Witness: But you remember Fannie, my little sister, don't you, I was Lizzie the dark haired one- you remember me?--

Objected to by Mr. Givens on behalf of applicants, as not proper procedure.

Objection will be noted.

Mr. Hastings:

- Q. I will ask you now if you can identify this woman?
- A. The height is about all I can remember, she has changed and so have I, she may not remember me.
- Mr. Hastings: Oh, she remembers you all right.
- Objected to by Mr. Givens,
- Q. You say that this family of Tosh and Mary Rogers lived continuously in your father's house up until November, 1872?
- A. In my mother's house, not on our place.



Cherokee Freedmen 389 et al-#15

Examination by Mr. Givens:

- Q. That was inside the corporate limits of the town of Fort Scott, Kansas, was it? A. Yes sir.
- Q. Now state what period it was that Tosh Rogers and his wife, Mary Rogers lived in that house, your mother's house?
- A. It was, I think, the better part between '63 and '72, it may have been that part of the time they lived some other place; because Tosh came with George J. Clark, but they came to my father's employ afterward.
- Q. How old were you in 1861? A. In 1861? Twelve years old in November, that year.
- Q. You were fifteen years old then in 1863, if I count correctly?
- A. Nine from thirteen--four--I was fourteen.
- Q. Are you able to identify this woman? A. No sir, I can not. I would not have been, of course, except that you told me the name.
- Q. I ask you, Mrw. Goodlander, if you are able to identify this applicant, Mary Robbins, as the woman who was in your father's employ during the period you mention? A. Not in my father's employ; Mary was not in my father's employ--her husband was.
- Q. Are you able to identify this applicant, Mary Robbins as the wife of Tosh Rogers who was in your father's employ?
- A. No sir, I am not able to say so from the resemblance.
- Q. You know that there was a woman by the name of Mary Rogers who lived there at that time, but you are not able to identify this woman here as that woman who lived there?
- A. No sir, I am not.
- Q. Did you have other servants in your father's employ from 1863 to 1872? A. Not a man, we had some girls.
- Q. Who were they? A. We had two white girls, Mary Humphries and Martha Jones. They both came from out on Drywood, Mary lived with us a little less than eight years and Martha the full eight years, both until they were married.
- Q. Do you know when Tosh Rogers left Kansas? A. No I do not.
- Q. Is he in Kansas at this time? A. No sir, I don't know.
- Q. Do you know when he left your father's employ? A. Yes sir.
- Q. When? A. In November, 1872.
- Q. How do you know it was November, 1872? A. Because I was married in December, 1872, and Tosh had been dismissed at Election time, in November., and as I said the barn burned at that time.
- Q. Did you suspect Tosh of being opposed to you in the election?
- A. No, but he had been dismissed on account of his conduct.
- Q. And was suspected of that, being concerned in that?
- A. I may say so we never knew--
- Q. How old was Tosh at that time? A. I could not make a guess, colored people are harder to tell than white people, he was older than Mary.
- Q. Can you make any estimate as to the age of Mary? A. I could not say, she was older than I I would judge.
- Q. And you will be fifty-seven next month? A. Yes sir.
- Q. How much older than you would you think? A. I could not say, I would judge her to be six or seven years older than I, but I might be mistaken, I was a young woman, and she was married and had children.
- Q. What sort of a looking woman was this Mary Rogers you knew, Can you describe her?

- A. She was what I would call a dark mulatto, about the height of this woman here, a spare built woman, that is the best I can tell you.
- Q: About what size man was Tosh. A. Taller than Mary.
- Q. How much taller? A. I could not say.
- Q. Dark or lighter? A. Darker than Mary, more African than Indian.
- Q. Did they have Indian blood? A. We supposed they were because they came from the Nation; I don't know.
- Q. Your only reason for supposing that he possessed Indian blood was that he came from the Nation? A. Yes sir; I had been used to colored people all my life, I supposed he was mixed Indian because he came from the Nation.
- Q. Do you know what became of Tosh? A. No sir.
- Q. Do you know what became of Mary? A. No sir.
- Q. Do you know what became of their children? A. No sir.
- Q. You lost all track of them after your marriage? A. After they left our place.
- Q. And they left your place about a month before you were married? A. Yes sir.
- Q. When were you first spoken to as a witness in this case? A. Last Sunday evening, about seven o'clock.
- Q. By whom? A. By Mr. Keys, here.
- Q. What did he tell you? A. That I was wanted here as a witness in this case-- or as a witness.
- Q. Did he tell you what was expected to prove by you? A. No sir.
- Q. Did he not tell you what he expected to prove by you, -Did he ask you about this case? A. Yes sir, he asked me if I remembered Tosh.
- Q. And you told him you would come? A. No sir, I told him I wouldn't.
- Q. How did you happen to come then? A. I was subpoenaed.
- Q. In the state of Kansas? A. Yes sir.
- Q. You are here at the expense of the Cherokee Nation? A. I presume so; at some one's expense not my own.
- Q. And you are not able to identify this woman as the woman you knew in Kansas? A. No sir.

By Mr. Hastings:

- Q. You do know that the woman you knew in Kansas went by the name of Mary, and that her husband's name was Tosh?
- A. I know the woman I knew in Kansas went by the name of Mary, and her husband was named Tosh Rogers.
- Q. You know that they had three children, the oldest Tony? A. Tone.
- Q. The next Jim and the third Fannie?

Attorney for applicants objects to question because it is leading and suggests an answer and is not proper direct examination.

Objection will be noted.

- A. I can answer that? -- Yes sir.
- Q. You do know that they claimed to have come ~~from the~~ from the Cherokee Nation and to have belonged to Cherokee Indians before the war?

Attorney for applicants objects, because question is leading and is not proper direct examination.

We feel that we are entitled to some protection, Mr. Commissioner. I feel that---

Objection will be noted.

- A. I can answer part of that question; that they came from the Cherokee Nation, but as to belonging to Cherokee Indians before the war, I do not know.

Attorney for applicants moves to strike this question from the record because, in addition to his previous objections, it is shown by the witness that she has made no statements, and that there has been no statement, that would warrant this question.

Objection will be noted.

- Q Did you ever hear, after they left there, where they went? A. No sir.

By Mr. Givens:

- Q. Do you know, Mrs. Goodlander, whether or not the Mary Rogers whom you knew, remained with her husband in the state of Kansas as long as Tosh remained in the employ of your father?  
A. To the best of my knowledge I think she did.  
Q. But do you know this? A. No sir, I cannot swear to that, to the best of my knowledge she was unless she was a way on a little visit.  
Q. Do you know whether or not she was in Kansas at the time your father discharged the man known as Tosh Rogers? A. Yes sir.

MARY ROBBINS,- RECALLED.

By Mr. Hastings:

- Q. You can not tell us then, how Joe Brown came to meet you at this particular point?  
A. Well, we got a letter to meet us there because that was the road, and we turned off there, there was a path-way from there.  
Q. Don't you know that the military road that run from Fort Scott, run right down by Fort Gibson, and not by where Gibson Station is now? A. There wasn't any Gibson station there then, though.  
Q. But don't you know the military road run right from Fort Scott to Fort Gibson? AA I do not know.  
Q. What year is this? A. I don't know sir; I can't read, and I can't tell what year it is.  
Q. You can't read and write? A. No sir.  
Q. Do you know one year from another? A. I know when Spring comes, and winter, and then its another year, that's all I know.  
Q. Do you know what year Jim was born? A. I couldn't tell you.  
Q. Do you know what year Fannie was born? A. They was both born down here, but I couldn't tell you the years. They was both born in The Cherokee Nation.  
Q. But you do not know what years? A. No sir, I do not.

- Q. Didn't you testify when you were on the stand before that you came back to your old Mistress's Nancy Bengé, when you first came? A. I came to Aunt Darkey's and then from there to their house.
- Q. Did not you testify before that you came back to your old Mistress? A. No sir, I come to Aunt Darkey's
- Q. Did not you testify when you was on the stand on April 12, 1901, that you came back to your old Mistress when you first came back after the war?
- A. She wasn't living far from there where I come to Aunt Darkeys.
- Q. I will ask you if at that time you mentioned Aunt Darkey? A. Yes sir, I suppose so.
- Q. I will ask you if when you first made application to be enrolled did you in your entire statement there, make any reference at all to having come back to Dorcas Buffington's, or did you even mention her name? A. Yes sir, I did mention her name, and I stayed there until I moved to Houston Bengé's place.
- Q. Was Tosh Rogers older or younger than you? A. Why he was younger than me, why I am old I tell you, just look at me.
- Q. Was Tosh Rogers younger than you? A. Yes sir.
- Q. Was he the same Tosh Rogers that worked for Dr. Adair up around Vinita there? A. He drank so much whiskey was the reason he was broke up so bad.
- Q. Was he a slave before the war? A. Yes sir.
- Q. Was he a grown man before the war? A. Yes sir.
- Q. To whom did he belong? A. To Isaac Rogers.
- Q. About how old were you when the war came up? A. I had a child before the war.
- Q. You had a child when the war came up? A. Yes sir, before the war, when the war come up.

By Mr. Givens:

- Q. You saw this woman, Mrs. Goodlander, who testified just a few minutes ago? A. Yes sir.
- Q. Did you ever work in the house of her father in Fort Scott, Kansas? A. I don't remember it.
- Q. Do you ever see this woman before? A. I don't remember ever seeing this woman at all; I am just telling you the truth, sir
- Q. Were either your son Jimmie or your daughter Fannie, born in the state of Kansas? A. That was what she said?
- Q. I am asking you? A. No sir, she was born on that Sam Cloud place, and this here boy here, he was born on Mrs. Brewster's place.
- Q. Jim Rogers was born on Mrs. Brewster's place in the Cherokee Nation, and Fannie was born on Sam Cloud's place? A. Yes sir.
- Q. Can there be any question about that? A. No sir.
- Q. Do you know where your children were born? A. Yes sir.
- Q. This man who is sitting here is that the Jim Rogers you refer to? A. Yes sir.
- Q. Is this woman here Lillie Lowe your daughter? A. Yes sir.
- Q. Where was she born? A. She was born on the Sam Cloud place in the Cherokee Nation.
- Q. Was there any other Rogers in Fort Scott? A. Yes sir, there was an old man, an old colored man called Rogers.
- Q. You do not know what his wife's name was? A. No sir.
- Q. You never heard of him having a wife? A. No sir.

Cherokee Freedmen 389 et al.--#19

By Mr. Hastings:

- Q. You testified that your husband, Tosh Rogers, worked for a man by the name of Wilson? A. That was during the war- just a little while.
- Q. You testified that he worked for a man by the name of Wilson before this woman took the stand? A. Yes sir.
- Q. You testified also that their barn was burned: A. I told you I heard it, heard a barn was burned up.
- Q. You testified that it was after this barn was burned that you came to the Cherokee Nation didn't you awhile ago, before Mrs. Goodlander took the stand? A. (No answer)
- Q. Didn't you? A. I told you I heard about it.
- Q. You said you heard about it before you left up there, before you came to the Cherokee Nation? A. I heard that place burned but I was down here.
- Q. When you was down here? A. Yes .
- Q. You didn't say that awhile ago, did you? A. (No answer)
- Q.
- Commissioner:- Whose barn was it you heard was burned, now Auntie, you can answer that?
- Q. Whose barn was it you heard was burned? A. Old General Blair's.
- Q. But you can remember about Mr. Wilson's barn? A. I don't know about that..
- Q. You don't remember about Tosh being discharged at Mr. Wilson's and about him being accused of having something to do with the burning of that barn? A. No sir, I never did hear of anything like that. It is the God's truth, nothing about him burning no barn.
- Q. Did you hear that the barn was burned? A. Yes sir.
- Q. And you heard about the horses being burned up? A. Yes sir, I reckon everybody heard about that, the whole round world.
- Q. Did they get the carriage out? A. I don't know.
- Q. Did you ever hear anything about that? A. No sir, I did not.
- Q. Did you see the carriage after that? A. No sir, I never, I just heard these things .
- Q. You just heard them? A. I wasn't there.
- Q. Was Tosh there? A. I don't know whether he was or not .
- Q. Where was he? A. I don't know.
- Q. In whose house were you living up there after the war? Didn't you testify that you lived in this house of Wilson's?
- A. After the war?
- Q. Yes, before you came down here? A. No.
- Q. Just before you come down here? A. In '66?
- Q. Just before you came down here? A. We was living in someone's house, I don't recollect who.
- Q. Now, I want you to give the name? A. I don't know sir, it has been so long I just forget.

By Mr. Givens:

- Q. You said that while you were in Kansas you heard of another Tosh Rogers living in Fort Scott?
- A. Yes sir, there was, he stayed with an old man over across Mill Creek.



Mr. Hastings:

- Q. But he did not have any wife? A. I never seen any.  
Q. And he did not have any children by the names of Tony, or Jimmie or Fannie? A. They wasn't born up there.

On Behalf of Commissioner:

- Q. Have you some children named James Rogers, Lillie Lowe and Albert Rogers? A. Yes sir.  
Q. Are all three of these children living at this time? A. Yes sir.  
Q. Are they your only children living now? A. Yes sir, the only children I have living.  
Q. Your daughter, Fannie Rogers, had a child named Dollie? A. Yes sir.  
Q. Is Dollie living? A. Yes sir.  
Q. How many children has Dollie got? A. Just one living, one died.  
Q. What is the name of the one that died? A. Sherman.  
Q. How long has Sherman been dead? A. I don't know. She lives here in this Territory.

LILLIE LOWE being first duly sworn by Chas. E. Webster, testified as follows:

On Behalf of Commissioner:

- Q. What is your name? A. Lillie Lowe.  
Q. How old are you? A. Thirty-two  
Q. You are one of the applicants in this case? A. Yes sir.  
Q. You have a minor child have you? A. Yes sir, two, a little girl and this one here--Willie Joanna.  
Q. You have some children, Ransom, Evalina and Bertha, also? A. Yes sir.  
Q. Are they all three living? A. Yes sir.  
Q. When was Willie Joanna born? A. The 15th day of July, 1903.  
Q. You can read and write can you? A. Yes sir.  
Q. When was James Henry, this child here, born? A. The third day of March, 1906.  
Q. Are you positive as to the date of his birth? A. Yes sir.  
Q. On what day of the week was it? A. On Thursday, Thursday morning.  
Q. You stated to me awhile ago that it was between nine and ten o'clock in the morning, is that correct? A. Yes sir, between nine and ten in the morning.  
Q. Are you positive as to the day of the week? A. Yes sir, it was Thursday.  
Q. You know that? A. Yes sir.  
Q. Are you quite positive that the child was born on the third day of March? A. Yes sir, on the third day of March.  
Q. Well, the calendar shows that the third day of March was Saturday?

- A. Well, I may be mistaken. I had the almanac brought to me and put it down. I know it was a Thursday.
- Q. You stated awhile ago that you were positive the child was born on Thursday? A. I know it was the third, I thought it was a Thursday.
- Q. Who was present at the time of the birth of this child? A. Mamma
- Q. Mary Robbins, here? A. Yes sir.

MARY ROBBINS RECALLED:

- Q. You are the mother of Lillie Lowe? A. Yes sir.
- Q. Were you present when her child, James Henry, was born?
- A. I don't know about that; I didn't keep no remembrances of that I can't remember dates.
- Q. Do you know what month it was born in? A. In March I think.
- Q. Of what year? A. I couldn't tell you at all sir.
- Q. Do you know it was March? A. Yes sir, they say its March, well then I can tell its that, you see when anybody cant read they dont know unless somebody tells them.
- Q. But do you remember what day of the month this child was born on?
- A. No sir, I don't.

LILLIE LOWE RECALLED:

- Q. Who else besides your mother was present when this child was born? A. Hannah Anderson.
- Q. Was there a doctor waited on you? A. No sir. About Sherman--
- Q. Do you know how long this child Sherman, Dollie's child, has been dead? A. Bertha, my little girl will be four years old in March, and Sherman was older than her, he would have been four years old last December.
- Q. You made application for the enrollment of your child, James Henry, did you not? A. Yes sir.
- Q. Did you know what date a child had to be living to entitle it to enrollment? A. Yes sir.
- Q. What day was that? A. The Fifth of July, I believe, wasn't it.
- Q. Do you know what day these too late children had to be living to be entitled to enrollment? A. No sir, I don't remember now.
- Q. Do you know Mr. Purdy? A. Yes sir.
- Q. Is he a colored man or a white man? A. He is a white man.
- Q. Do you know where his office is? A. What town?
- Q. Yes? A. Bristow.
- Q. Is he a Real Estate man? A. He is a Banker; I don't know whether he is a Real Estate man or not.
- Q. Did he tell you what day this child was born? A. No sir, he didn't know; he ~~me~~ asked me.
- Q. You say you are positive that this child was born on Thursday?
- A. Well, I thought it was on Thursday
- Q. Well what do you say about it? A. Why, I- he was born on the Third, since you say that was Saturday, I don't know what day it was.
- Q. Why may he not have been born on some other day of the month, and have been born on Thursday, instead of being born on the third of the month and not Thursday.

Cherokee Freedmen 389 et al--422

Q. Well, he was born the third day of March, I may have made a mistake in the day, but I know he was born on the third, because I put it on my book at home. I have got all the children's ages down.

JAMES ROGERS, being first duly sworn by Charles E. Webster, testified as follows:

By Mr. Givens:

- Q. What is your name? A. James Rogers.
- Q. Are you a son of Mary Robbins who testified in this case this afternoon? A. Yes sir.
- Q. Are you an applicant for citizenship in the Cherokee Nation? A. Yes sir.
- Q. Do you know where you were born? A. Well, I could not tell exactly, but from what my mother said I was born on the Mrs. Brewster's place.
- Q. In the Cherokee Nation? A. Yes sir.
- Q. From the time when you first remember, where were you living? A. Up on the prairie, on the Sam Cloud place.
- Q. In the Cherokee Nation? A. Yes sir.
- Q. Were you ever in the state of Kansas, so far as you know? A. No sir, never have been.
- Q. Never have been in the state of Kansas? A. No sir.

By Mr. Hastings:

- Q. You were born since the war? A. Yes sir.
- Q. You don't know anything about where you were born except what your parents tell you? A. No sir, of course that's all.
- Q. You don't know where you were until you got old enough to remember? A. Not till I got old enough to remember.

Commissioner:

- Q. Where have you lived all your life? A. After I left the Cherokee Nation I lived here in the Creek Nation, over here the other side of the Mission.
- Q. Ever live out side of the Indian Territory? A. No sir, never did.

BABE HARLIN, being first duly sworn by Charles E. Webster, testified as follows, on behalf of Cherokee Nation.

By Mr. Hastings:

- Q. What is your name? A. Babe Harlin.
- Q. What is your postoffice? A. Melvin, I. T.
- Q. How old are you? A. I am about sixty-nine years of age this last December.
- Q. Then you were a grown man when the war come up? A. Yes sir.
- Q. How long have you lived in or about Melvin? A. Ever since I was freed.
- Q. Are you on the Freedmen Roll? A. Yes sir.
- Q. How far do you live from Depeas or Darkey Buffington?

- A. About a mile and a half, now where I live.
- Q. Have you always lived neighbor to her since the war?
- A. Yes sir.
- Q. Do you know Mary Robbins? A. Yes sir.
- Q. Did you know her former husband, Tosh Rogers? A. Yes sir.
- Q. Do you know her son, James Rogers? A. Yes sir.
- Q. Did you know Tosh Rogers and his wife Mary, now Mary Robbins, before the war? A. I knew Tosh, I wasn't acquainted with his wife.
- Q. Did not know his wife. A. No not then.
- Q. Now, just after the war where did you live? A. Just after the war?
- Q. Yes? A. I lived on the old Moore place, about a half a mile from Uncle Harry Buffington and Aunt Dorcas Buffington.
- Q. How long did you live within a half mile of the Buffingtons?
- Q. Until the next fall. A Year.
- Q. Have you always lived in the same neighborhood--within a mile or two? A. Yes sir, always lived right in the neighborhood, right there.
- Q. How long was it after the war before you saw Tosh Rogers or his wife, Mary Rogers, at Darcus Buffington's or in that neighborhood? A. Six or seven years. About seven years.
- Q. After the war? A. Yes sir, to the best of my knowledge.
- Q. Do you know when they first came back there after the war whether or not they had some children? A. When they first came?
- Q. Yes? A. Yes sir.
- Q. How many children did they have? A. I remember two right at the time I saw them. A sucklin child.
- Q. Do you know whether Jim was born then? A. Well it seems to me they had a boy and a girl, and it must have been Jimmie as well as I can remember, I am here to never lie.
- Q. Do you recollect the girl's name? A. No sir, I was made acquainted with her at Aunt Darkey's.
- Q. Did you hear where they came from? A. They told me they came from Fort Scott.
- Q. That was six or seven years after the war? A. Yes sir.
- Q. Did you ever hear of them being down there or living down there in that neighborhood, after the war? A. No sir, I did not.
- Q. Did Mary and her husband, Tosh, come there together? A. No sir.
- Q. Which came first? A. She came a little first.
- Q. About how much before her husband? A. It was as well as I can remember, as well as I can get at it to be straight, two or three weeks maybe, ahead, he come after wards.
- Q. Do you know whether they came on the train or not?
- A. No sir, I don't know that.
- Q. About what aged man was Tosh Rogers when the war came up?
- Q. He was an old settle d man; I worked under him at the slaughter pen at Mr. Alberty's putting up beef for the soldiers.
- Q. How old do you think he was? A. Forty or fifty years nfix old.



By Mr. Givens:

- Q. Where were you born? A. I was born here in the Territory.
- Q. Where? A. I was borned on a little creek they call Sallisaw, above Sallisaw Station. My old boss lived up there.
- Q. In what Nation is that? A. In Flint.
- Q. Flint Nation? A. Cherokee Nation, Flint District.
- Q. When were you born? A. Oh, I couldn't answer that.
- Q. Don't you know dates? A. No sir.
- Q. Do you know when the war broke out, what year that was?
- A. Sixty-one wasn't it?
- Q. You think it was '61 when it broke out? A. Yes see I never was learned anything like that, I was a slave boy.
- Q. Whose slave were you? A. Eli Harlin's, and after he passed away Delilah Harlin's.
- Q. Where were you during the war? A. In the Choctaw Nation.
- Q. Do you know how long the war lasted? A. Four years.
- Q. When did you come back to the Cherokee Nation? After the war?
- A. I come right back with her.
- Q. How soon after the war? A. Why, just as soon as the treaty was passed, why the old lady told me to hitch up and we come right back up here.
- Q. Where did you come to? A. Right back up to the Falls here, and then to Cooweescoowee and then to the old place.
- Q. How long did you stay at the Falls? A. About a week, just to rest.
- Q. Then up to Cooweescoowee? A. Yes sir.
- Q. How long did you stay up there? A. I Just left some of the family there.
- Q. How long did you stay there? A. About four or five days.
- Q. Then where did you go? A. Down on Fourteen Mile Creek, where I am living now.
- Q. And you have lived the same place ever since? A. Yes sir, went to work right there.
- Q. Do you know Mary Robbins, the applicant here? A. Yes sir.
- Q. When did you first become acquainted with her?
- A. It was about seven years after I came here that I became acquainted with this woman to the best of my remembrance.
- Q. Where was she living then? A. With old mother Darkey. Mrs. Buffington, she made me acquainted with her.
- Q. Was there anybody with her? A. She was just sitting down by the fire there with a child; I was there making rails.
- Q. How old was the child? A. I don't know sir.
- Q. A babe? A. Yes sir a baby, she had it in her lap.
- Q. Just saw one child? A. Yes sir, she was sitting there by the fire.
- Q. How many children did she have, if you know, at that time?
- A. There was ~~xxx~~ another one they had.
- Q. How many children did she have? A. I didn't see but two.
- Q. ~~Where~~ Were they boys or girls? A. I don't know sir, whether the infant was a boy or a girl, I couldn't say.
- Q. Did you see any other children besides this infant that she had in her lap? A. I didn't pay any attention. There was a little boy there but I didn't know whether it was hers or not.
- Q. You think the boy might have been here and ~~xx~~ may have been some one else? A. Must have been hers--
- Q. Why? A. Because you know children live with their mothers.
- Q. How old? A. A small boy.



- Q. About how old, give your best judgment, according to your best judgment, about how old was this little boy you saw around the house there.
- A. I couldn't tell you at all sir.
- Q. Was he two years old do you think? A. That's something that I don't want to be called to.
- Q. Well, you saw these children? A. Well, I couldn't tell you, Mr.
- Q. State whether or not you are able to tell about how old this boy was? A. May have been three or four years old, just a small boy?
- Q. May it have been ten years old? A. Three or four years old.
- Q. Have you ever been convicted of any crime? A. No sir, I haven't you would find it on the records, and I never have.

JOE ROGERS, being sworn by Charles E. Webster, testified on behalf of Cherokee Nation as follows:

By Mr. Hastings:

- Q. Your name is Joe Rogers? A. Yes sir.
- Q. How old are you A. Sixty-two.
- Q. Where were you born? A. On Grand River.
- Q. In the Cherokee Nation? A. In the Cherokee Nation, yes sir.
- Q. What is your present postoffice address? A. Melvin.
- Q. Have you always lived in that neighborhood? A. Ever since the war. I am living about ten miles from where I was born.
- Q. Do you know Mary Robbins, whom used to be Mary Rogers?
- A. Tash Rogers family?
- A. Yes? A. Yes sir.
- Q. Did you know Tash? A. Yes sir, I did.
- Q. Did you know him before the war? A. Yes sir.
- Q. Were you ever with him any before the war? A. Yes sir.
- Q. Did you work with him? A. Yes sir. I rode races under him when I was a boy.
- Q. Did you know his wife, Mary? A. Yes sir.
- Q. Do you know his son, Jim? A. Yes sir.
- Q. Where were you living just after the close of the war?
- A. After the close of the war?
- A. Yes? A. I lived at Fort Gibson a while, stayed there with my sister and brother in law, and went from there up on the Grand and stayed up about Eli Spear's.
- Q. On Fourteen Mile Creek? A. Yes sir.
- Q. Do you know Dorcas Buffington? A. Yes sir?
- Q. How far did you live from her after the war? A. About three-quarters of a mile, or a mile.
- Q. About how long was it after the war before you seen Tash Rogers or his wife in that neighborhood where Dorcas Buffington lived?
- A. The first I remember seeing them was about six or seven years after the war?
- Q. Do you know where they came from? A. From Kansas, I guess.
- Q. Did you hear that at the time?

Objected to by attorney for applicant. Hearsay evidence not competent.

Objection will be noted.

Cherokee Freedmen 389 et al-#26

- A. Yes sir.
- Q. Then you heard they came from Kansas? A. Yes sir.
- Q. Did they have any children when they came from Kansas?
- A. Yes sir.
- Q. How many, do you remember? A. I remember there was three or four, they took some off with them and brought some more back with them.
- Q. Had one they took off with them? A. Had one they called Tony.
- Q. Did they bring him back with them? A. I don't know; I think they did.
- Q. Where was Jim born, do you remember? A. I don't remember that, I don't remember whether he was born on Grand River or in Kansas.
- Q. Did he come back with them when they came from Kansas? A. Yes sir.
- Q. Did they have any others besides Jim at that time? A. Yes sir.
- Q. And you think they came back six or seven years after the war?
- A. To the best of my knowledge.
- Q. You were living right there in the neighborhood? A. Yes sir.
- Q. You were living about three-quarters of a mile from Aunt Dorcas Buffington? A. Yes sir.
- Q. You say you knew Tosh Rogers well before the war?
- A. Yes sir, knew him ever since I knew anybody.
- Q. Was Tosh older or younger than you? A. Lord, yes, he was an older man.
- Q. About how old was he when the war come up? A. I couldn't tell, I don't know, if he had gray hairs or not.
- Q. Was he a middle aged man? A. Yes sir, he was.
- Q. Forty or fifty years of age perhaps? A. Somewhere along there.

By Mr. Givens:

- Q. Are you a Cherokee by blood? A. Yes sir, Cherokee by blood and darkey both.
- Q. Were you a slave? A. No sir, I wasn't a slave.
- Q. You are a mixed blood? A. Yes sir.
- Q. What is your name? A. Joe Rogers.
- Q. Are you any kin to Tosh Rogers? A. No sir.
- Q. Where did you live during the war? A. I lived in the Army. I served in the Third Indian Regiment, until they mustered us out in Fort Gibson.
- Q. Was your regiment stationed in the Indian Territory? A. Yes sir.
- Q. Did you ever leave the Indian Territory during the war?
- A. I went out with the Army.
- Q. When did you come back? A. After the war.
- Q. What time after the war? A. I was mustered out at Fort Gibson; come back here in '66 after the war and was mustered out at Fort Gibson. I was taken prisoner during the war, and I come back here and made application for my discharge and was discharged in '66.
- Q. At Fort Gibson? A. Yes sir.
- Q. In '66? A. Yes sir.
- Q. Do you know what year this is? A. 1906. Aint it?
- Q. What did you do when you come back? A. I worked here; worked at the works at Fort Gibson, and drove cattle some and tamed some.
- Q. How many years did you live at Fort Gibson after you came back and were mustered out? A. I didn't live at Fort Gibson nary year.
- Q. Well, where did you live after you came back? A. On Fourteen Mile Creek.

Cherokee Freedmen 389 et al-#27

- Q. That is a long creek, to whose place did you come?  
A. I come to Kate Knight's some and in at Watt Bolden's and some at Eli Spears's.  
Q. Where did Eli Spears live? A. At Melvin.  
Q. Now, during what years was it you were in the employ of these people you have mentioned? A. I worked for Kate Knight, I was there in '66 and '67 and I was there in '68, and I taken a wife in '69 and settled in the Nation.  
Q. You were married in '69? A. Yes sir.  
Q. Where did you live after you were married? A. There about three-quarters of a mile from Dorcas Buffington.  
Q. How close to her did you live before you were married?  
Q. About two miles where I had been living.  
Q. And during that time you were working sometimes in Fort Gibson?  
A. I worked around wherever I could get a job; I drove cattle and drove team, I took some jobs from the Sheriff and I made some crops.  
Q. You worked about the country wherever you could get employment?  
Q. Yes sir, and I worked for the sheriff.  
Q. Did the Sheriff ever have you in his custody? A. No sir.  
Q. You were just working for him? A. I would be deputized to do duty as guard, to guard prisoners you know and hunt them up.  
Q. Hunt what? A. Why, horse thieves and people doing depredations again the last.  
Q. You were doing that before you married, what did you do from '66 to '69, before you got married? A. Well, sir, I have told you just as plain as I can tell you, I can't tell you again.  
Q. Why? A. Because its not necessary to do that; I told you once.  
Q. Where did you work in '66? A. Why, Mr., I told you.

Commissioner: Answer his question.

- Q. I did my work in '66 part of the time at Fort Gibson, part of the time on Fourteen Mile creek, and part of the time just wherever I could get a job.  
Q. Where did you make a crop after '66? A. I made a crop for Kate Knight.  
Q. Where did Kate Knight live, where did you make this crop?  
A. Kate Knight lived about a mile and a half from where Melvin is now.  
Q. And you made a crop there in '67? A. Yes sir.  
Q. In '68 where did you work? A. In '68 I worked, drove team some in '68, drove cattle some in '68.  
Q. Where? A. I drove cattle some in '68. In '68 I went with a bunch of cattle from the Choctaw Nation to Springfield, Missouri, working for Mr. Robb here, and I come here that was just before I was married, when I was fixing to take me a woman.

Mr. Hastings: We ask to stipulate in the record that Gibson Station was the terminus of the M. K. & T. Railroad, and was started about 1871 or 1872. That is an historical fact.

Mr. Givense I do not know that it was; I am willing to stipulate whatever it was.

JAMES M. KEYS being duly sworn by Charles E. Webster,  
testified as follows:

By Mr. Hastings:

- Q. Your name? A. My name is James M. Keys.  
Q. Your postoffice? A. Pryor Creek, Indian Territory.  
Q. Your age? A. Sixty-three years.  
Q. I will ask you when the town of Gibson Station was started, if you know? A. In 1872.  
Q. You have heard the testimony of these witnesses? A. Yes sir.  
Q. And you know that that is the same Gibson Station to which reference has been made in the testimony? A. Yes sir.  
Q. This Gibson Station up here north of Muskogee? A. Yes sir.

By Mr. Givens:

- Q. How do you know Gibson Station was started in 1872?  
A. I resided at that time about two miles from Gibson Station, and I hauled stone to build the culverts there just north of Gibson Station.  
Q. For the M. K. & T. Railroad Company? A. Yes sir. It was in 1871 I hauled the stone there.  
Q. Are you one of the attorneys ~~xxxx~~ for the Cherokee Nation?  
A. No sir, I am special marshal for the Cherokee Nation?  
Q. You assist in securing witnesses for the Cherokee Nation in these cases? A. Yes sir.  
Q. You secured or assisted in securing the witnesses who testified to-day? A. Yes sir.

By agreement between the attorney for the applicants and the attorney for the Cherokee Nation, this case will be closed and a decision rendered on the evidence introduced.

Mr. Givens, attorney for applicants, states that he desires to file a brief in the case, and asks that the usual time be allowed him.

-----  
The undersigned being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly reported the testimony and proceedings had in the above entitled cause, and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

SRAL

(SIGNED) Lucy M. Bowman.

Subscribed and sworn to before me this 15 day of October, 1906

(SIGNED) B. P. Rasmus  
Notary Public

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a full, true and correct copy of the original testimony now on file in this office.

Subscribed and sworn to before me this 24 day of October, 1906.

*Charles E. Webster*  
Notary Public



(U.S.P.T.)

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Mary Robbins, et al., as Cherokee Freedmen, consolidating the  
applications of:

Mary Robbins, et al., ..... Cherokee Freedmen 285  
Lillie Lowe, et al., ..... Cherokee Freedmen 304  
Albert Rogers, ..... Cherokee Freedman 397  
James Rogers, ..... Cherokee Freedman 397

RELATION

THE RECORDS OF THIS OFFICE SHOW: That applications for  
enrollment as Cherokee Freedmen were made to the Commission to  
the Five Civilized Tribes by Mary Robbins for herself and minor  
grandchild, Dollie Rogers, who, prior to September 1, 1902, was  
married to one Will Jones, and will now be listed for enrollment  
as Dollie Jones; thereafter on August 10, 1902, there was filed  
with the Commission to the Five Civilized Tribes an affidavit  
showing the birth, on December 12, 1901, of Sherman Jones, son  
of the applicant, Dollie Jones; by Lillie Lowe for herself and  
minor children, Ransom and Evalina Lowe; thereafter on August 20,  
1902, there was filed with the Commission to the Five Civilized  
Tribes an affidavit showing the birth, on March 29, 1902, of Bertha  
Lowe, child of the applicant, Lillie Lowe; by Albert Rogers for  
himself, and by James Rogers for himself. The records further  
show that on March 5, 1904, the Commission to the Five Civilized  
Tribes rendered its decision herein, granting the applications  
for the enrollment of Mary Robbins, Dollie Jones (Rogers), Sherman  
Jones, Lillie Lowe, Ransom Lowe, Evalina Lowe, Bertha Lowe and  
Albert Rogers as Cherokee freedmen, and that their names are in-  
cluded in a partial roll of freedmen citizens of the Cherokee  
Nation approved by the Secretary of the Interior November 16, 1904,  
opposite Nos. 3280, 3281, 3282, 3287, 3288, 3289, 3290 and 3286,  
respectively, and that on June 30, 1905, said Commission rendered  
its decision herein, denying the said James Rogers the right to  
enrollment as a Cherokee freedman, which decision was, on same  
date, duly forwarded the Secretary of the Interior for his review  
and decision. Thereafter on July 12, 1906 (I.F.B. 2862-05, 7802-06),  
a notice to reopen the case of James Rogers, having been filed in  
behalf of said applicant, the Department remanded his case to this  
office with instructions to notify the applicant, James Rogers,  
that he would be required to establish when and where he was born  
in the Cherokee Nation, and also to introduce testimony to determine  
whether Mary Robbins, formerly Mary Rogers, his mother, did return  
to the Cherokee Nation prior to February 11, 1867. Said Depart-  
mental letter directed this office to consolidate on the rehearing



and readjustment of the case of James Rogers, Cherokee Freedman 145, the case of Mary Robbins, et al., Cherokee Freedman 322, a part of the case of George Jones, Cherokee Freedman 357 and Lillie Lowe, et al., Cherokee Freedman 141. Former proceedings in the matter of said applications were had at Muskogee, Indian Territory, October 10, and at Muskogee, Indian Territory, October 21, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the petitioned applicant herein, Mary Robbins, was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the progress of said rebellion she left the Cherokee Nation and did not return thereto and establish an actual personal bona fide residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Hecce Whitacre, trustee, et al., vs. The Cherokee Nation, et al., as provided by paragraph two of Section three of the Act of Congress approved April 30, 1906 (34 Stat. 137) for the return of freedmen to said Nation. The evidence further shows that all the other applicants herein are descendants of the said Mary Robbins, born since 1865, and neither claim nor possess any rights to enrollment as Cherokee freedmen other than as such descendants. Excepting the Burn-Brighton roll, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 25, 1906 (34 Stat. 495), Mary Robbins, Delle Jones, Sherman Jones, Lillie Lowe, Bannan Lowe, Evalina Lowe, Bertha Lowe, Albert Rogers and James Rogers are not entitled to enrollment as Cherokee freedmen and their applications for enrollment at such are accordingly denied.

(Signed)

Tom Nix

Commissioner

Dated at Muskogee, Indian Territory,

this 2nd day of Nov, 1906.

Cherokee Freedmen D-60.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Comm. N*

In the matter of the application of James Rogers for enrollment as a Cherokee Freedman.

-: D E C I S I O N :-

The record in this case shows that on April 12, 1901, James Rogers appeared before the Commission at Fort Gibson, Indian Territory and made personal application for the enrollment of himself as a Cherokee Freedman. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on September 5, 1901, and September 7, 1901.


The evidence shows that the applicant, James Rogers, was born since the commencement of the rebellion and is the son of one Mary Rogers, who was a slave of a Cherokee citizen at the commencement of the rebellion, and who left the Cherokee Nation during said rebellion but returned thereto, and established her residence therein, within the time specified in the decree of the Court of Claims, rendered on February 3, 1896, in the case of Moses Whitmire, Trustee, etc., vs. the Cherokee Nation et al.

It further appears that the applicant, James Rogers, lived in the Cherokee Nation until about twelve years prior to the date of this application, when he removed to the Creek Nation where he has since resided.

It is, therefore, the opinion of this Commission, that James Rogers should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

*See new decision  
enrolling applicant.*

  
Chairman.

  
Commissioner.

\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,  
\_\_\_\_\_

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. James Rogers,  
Bristow, I.T.  
Cherokee F-D-60  
Register.

TAMS BIXBY,  
T. B. NEEDLES,  
C. R. BRECKINRIDGE,  
Commissioners.

Cherokee F. D. 60.

Muskogee, Indian Territory, February 18, 1902.

Phillip G. Hunter,

Clerk in Charge, Cherokee Land Office,  
Vinita, Indian Territory.

Dear Sir:

You are directed to advise this office whether any of the persons listed on Cherokee Freedmen roll card number 389, have been scheduled upon the final roll of Cherokee Freedmen, now being prepared by the Commission.

You are further directed to transmit the record in said case to this office, in order that a decision may be prepared, consolidating the same with the case of James Rogers, Cherokee Freedmen D 60, the latter being a son of Mary Robbins, who is the principal applicant on card number 389, above mentioned.

Respectfully,

Acting Chairman.

Cherokee Freedmen  
#550.

Waukegon, Indian Territory, March 7, 1903.

Philip G. Rutter,

Clerk in Charge, Cherokee Land Office,  
Vinita, Indian Territory.

Dear Sir:

On February 18, 1903, you were requested to transmit to this office the jacket and record in the case of Mary Robbins, et al. Cherokee Freedmen #551, in order that a decision might be prepared, consolidating the said case with that of James Rogers, Cherokee Freedmen D #60, who is the son of said Mary Robbins.

Upon examination of the Mary Robbins case, however, it appears that none of the applicants therein have been scheduled on the final roll of Cherokee Freedmen, now being prepared by the Commission, and that there is not sufficient evidence in the record upon which to base a decision.

The jacket and record in the said Robbins case is, therefore, returned to you herewith, in order that further testimony may be taken. For information as to the points upon which further evidence is required, you are referred to the list of incomplete Cherokee Freedmen cases, now in your possession.

Respectfully,

Enclosure H. No. 1.

Chairman.



COPY.

Cherokee Freedmen

D-60.

Muskogee, Indian Territory, April 17, 1905.

Randolph & Haver,

Tulsa, Indian Territory.

The Commission is in receipt of your letter of March 22, 1905, asking to be advised as to the status of the application for the enrollment of James Rogers as a Cherokee freedman.

In reply you are advised that the Commission has not rendered a decision in this case. When a decision has been rendered the parties concerned will be furnished with a copy.

Respectfully,

SIGNED. *Tame Dixby.*  
Chairman.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS D. NEEDLES,  
C. R. BRECKINRIDGE

WM. O. BEALL,  
Secretary

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

TALEQUAH, INDIAN TERRITORY, MAY 10, 1905.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

I respectfully return, non-concurred in by me, application for enrollment of James Rogers, Cherokee freedman D-60.

This case as at present prepared grants enrollment to the applicant and it has been signed by the Chairman and Commissioner Needles.

The applicant was 34 years of age in 1901 and he is identified on the Kern-Clifton roll, but upon no other roll of the Cherokee Nation. His case rests, in fact, upon the status of his mother, Mary Rogers, and the testimony in her case is made a part of the record in the present case. Mary Rogers was say 50 years of age in 1901, and claims to have belonged to one Nancy Benge, otherwise known as Nancy Riddles and also as Nancy Raper. Mary Rogers belonged either to this woman or to her mother, it is not material which, as both seem to have been Cherokee citizens at the time of the ownership of the former slave, Mary Rogers. Mary Rogers went to Kansas during the war and she supports her claim that she returned within the limit prescribed by law by the testimony of this former alleged mistress whom I will designate as Nancy Benge. The

testimony of Nancy Benge ought to be good, but it appears upon examining it in detail that she has no definite recollection of when this woman returned to the Cherokee Nation. Her only reason why it wasn't in 1867 instead of 1866 is that "we didn't learn nothing then". The only way in which she fixes upon her mind that this woman returned in 1866 is that "they all was to come back here in time you know". Her idea of this woman's right seems to be embodied in her explanation that "she is a citizen all right enough, she used to belong to us".

Against this testimony there stands first the fact that neither Mary Rogers nor her son, James Rogers, the present applicant, is identified upon any roll of the Cherokee Nation except the Kern-Clifton roll. Columbus Balbridge a full-blood Cherokee, age 59, and evidently a very intelligent witness, and I may add that the full bloods are uniformly truthful in their statements, shows in a conclusive manner that this woman, Mary Rogers, was keeping house at Ft. Scott, Kansas, in September, 1866, he having spent a week at her house at that time when on an expedition taking a drove of stock up into Kansas. He lived within a mile of the place to which this woman alleges she immediately came upon her return from Kansas. He knew the woman well and he states that when she first came to that neighborhood it was about four years after he had stayed a week at her house in Ft. Scott, Kansas, and that she

said then that she had just returned. The woman afterwards lived in one of his houses. This man's testimony remained absolutely unshaken through a severe cross-examination.

Another full-blood Cherokee, Arch Cockrum, moved into the immediate neighborhood to which this woman alleges she came, one year after the war, and he substantially corroborates the testimony of Columbus Galdridge, the other full-blood, where he states that he had been in that neighborhood about two years before Mary Rogers came there.

This testimony is further corroborated by that of Geo Dick, another full-blood, who lived in 1866 about a mile from where this woman states she first came and he alleges that she did not come into that neighborhood until "after the year 1870".

In my opinion this evidence is overwhelmingly against the testimony of this woman and the vague statements of the evidently ignorant woman, Nancy Benge, who was her former owner or the daughter of her former owner and who, in a most indifferent fashion, supports her testimony.

I therefore respectfully recommend that this case be rewritten and that if Mary Rogers has been enrolled that steps be taken to revoke said action, and that the present applicant, James Rogers, be denied enrollment.

If the other Commissioners cannot concur in this view,

Commission---4

I vote in the negative and beg that the record be forwarded to the Department of the Interior for its final determination.

Respectfully,

A handwritten signature in cursive script, appearing to read "C. R. Buckmaster".

Commissioner.

MH  
Enc. H--195.



Indian Territory, June 30, 1906

James E. Jones,

Bristow, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to two more civil cases, dated June 30, 1906, rejecting the application for your enrollment as a Cherokee Freedman. There has heretofore been furnished your attorney, A. S. Males, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Isaac S. Hall  
Register

Chairman

Mr. M. K. ...

Secretary.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 12, 1904, rejecting the application for the enrollment of James ... as a Cherokee Freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 3-42  
Register

Signed

James B. ...

Chairman

COPY.

Cherokee Freedman

D-60.

Muskogee, Indian Territory, June 30, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of James Rogers as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 5-83

SIGNED.

James Bixby  
Chairman.

C.F.R. 60

Washoe, Indian Territory, June 30, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of James Rogers as a Cherokee Freedman, including the Commission's decision, dated June 30, 1906, rejecting said applicant.

In connection with the Commission's decision in this case, your attention is invited to the cases of Mary Robbins et al., Cherokee Freedman-343, Albert Rogers, Cherokee Freedman-344, and Lillie Lowe, et al., Cherokee Freedman-345, in which, among other applicants, are included the mother and full brother and sister of the applicant herein, James Rogers, and who, on March 2, 1904, were granted enrollment as Cherokee Freedmen by the Commission, and, no protest to its action having been made by the attorneys for the Cherokee Nation, their names were included in the partial roll of Cherokee Freedmen approved by the Secretary of the Interior on November 13, 1904, opposite numbers 1200, 1204, and 1207, respectively.

The evidence in these cases shows that the said Mary Robbins is the ancestor of all the other applicants included in

Secretary--2-

said cases, and it is by virtue of her compliance with the treaty stipulations of 1866 that the other applicants, and the applicant herein, James Rogers, all of whom were born since 1866, and who possess no other right to citizenship, claim the right to enrollment as Cherokee Freedmen.

Certain evidence introduced by the Cherokee Nation in the case now forwarded to the Department for review, and which, through oversight, was not made a part of the record and considered in said cases of Mary Robbins et al., Albert Rogers, and Lillie Lowe, et al., shows, to the satisfaction of the Commission, that the said Mary Robbins did not comply with the stipulations of the treaty of 1866.

If the decision of the Commission in this case is affirmed by the Department, it is respectfully recommended that the names of Mary Robbins, Lillie Rogers, Sherman Jones, Albert Rogers, Lillie Lowe, Hannah Lowe, Evalina Lowe, and Martha Lowe, appearing upon the Final Roll of Cherokee Freedmen approved by the Secretary of the Interior on November 16, 1904, opposite numbers 3880 to 3883, inclusive, and 3886 to 3890, inclusive, be stricken from the roll, and that, if deemed proper by the Department, the ap-



Secretary--S--

plications for the enrollment of the above named persons be re-opened and remanded to the Commission for readjudication, in the light of the testimony offered in the case herewith transmitted.

Respectfully,

Tams Dixby.

Chairman

T. E. Niscales.

Commissioner

C. R. Breckinridge.

Commissioner

Through the

Commissioner of Indian Affairs.

Enc.

L. U. B. 1

D.C.31638

G.R.

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

I.T.D.9862-1906.

7802-1906.

L.A.S.

July 19, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

June 30, 1905, the Commission to the Five Civilized Tribes transmitted the record of proceedings had in the matter of the application for the enrollment of James Rogers as a Cherokee freedman, including its decision of the same date, rejecting said application.

The evidence establishes that the applicant, James Rogers, is the adult son of Mary Robbins, formerly Mary Rogers, whose name as Mary Robbins appears opposite No. 3280 upon the roll of Cherokee freedmen approved by the Acting Secretary of the Interior November 16, 1904, and that the applicant, James Rogers, is also a brother to Albert Rogers, whose name appears opposite No. 3286 upon the same roll.

The Acting Commissioner on April 19, 1906, stated to the Department that deeds had not yet been executed and delivered to Mary Robbins and Albert Rogers, whose names appear upon the approved rolls.

James Rogers was born about 1867, as claimed, in the Cherokee Nation, but at what place applicant does not know.

Incorporated with the record is the testimony of Mary Robbins taken in her own application on April 12, 1901, tending to show that she, the mother of James Rogers, returned from Fort Scott, Kans., to the Cherokee Nation, to the home of Nancy Benge, alias Nancy Riley, near Grand River, not a far from Bald Mountain, in the summer of 1866. Other testimony introduced tends to show that Mary Robbins, the mother of applicant, did not return to the locality claimed, in the Cherokee Nation, in the summer of 1866, but that she was first seen in that neighborhood about four years after the close of the civil war.

You are requested to notify the applicant, James Rogers, that he will be required to establish when and where he was born in the Cherokee Nation, and also to introduce testimony to determine whether Mary Robbins, formerly Mary Rogers, his mother, did return to the Cherokee Nation prior to February 11, 1867. You are also requested to state in the record whether the name of Mary Robbins, either as Mary Rogers or Mary Robbins, and whether the name of James Rogers or Jim Rogers appear upon any of the tribal rolls in your possession.

You are further requested to incorporate into the record,

if such testimony can be secured, the testimony of Nancy Benge, alias Nancy Riley, taken before the Kerns-Clifton Commission, and also the testimony of Mary Robbins taken before the same commission upon the latter's application for enrollment thereunder.

Upon the present state of the record the Department is unwilling to pass upon the merits of the claim.

The decision of the Commission of June 30, 1905, denying the application of James Rogers for his enrollment as a Cherokee freedman, is hereby set aside, and a rehearing is directed therein.

After the taking of additional testimony to definitely determine whether Mary Robbins, formerly Mary Rogers, the mother of applicant, James Rogers, returned to the Cherokee Nation prior to February 11, 1867, you are requested to readjudicate the application of James Rogers, as well as the applications of Mary Robbins et al., Cherokee freedmen 389; Albert Rogers, Cherokee freedman 397, and Lillie Lowe et al., Cherokee freedmen 398, and said applications are to be consolidated on the rehearing and readjudication. The record is returned.

Respectfully,

(SIGNED) Jesse B. Wilson,  
Assistant Secretary.

1 inclosure.

Through the Commissioner  
of Indian Affairs.

Cherokee Freedman  
D 60.

COPY.

Wahkago, Indian Territory, August 4, 1906.

James Rogers,

Bristow, Indian Territory.

Dear Sir:

In connection with your Cherokee freedman enrollment case, you are advised that this office is in receipt of Departmental letter of July 19, 1906, setting aside the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting your said application, and ordered a rehearing therein, and this office is directed as follows:

"You are requested to notify the applicant, James Rogers, that he will be required to establish when and where he was born in the Cherokee Nation, and also to introduce testimony to determine whether Mary Robbins, formerly Mary Rogers, his mother, did return to the Cherokee Nation prior to February 11, 1867."

You are directed to notify this office at the earliest practicable date the names and addresses of the witnesses you propose to introduce along the lines indicated above. Upon receipt of this information the Cherokee Nation will be advised thereof and a date set for a rehearing in your case, of which all parties at interest will be advised.



This office is also directed to rehear and read-  
judicate the Cherokee freedman cases of Mary Robbins,  
et al; Albert Rogers, and Lillie Lowe, et al, said cases  
to be consolidated with yours. Louis T. Brown, Muskogee,  
Indian Territory, attorney for these parties has this  
day been advised of the Department's action in the  
cases of Mary Robbins, et al, and requested to submit  
a list of the names and addresses of the witnesses it  
is proposed to introduce in these cases, and it is sug-  
gested that before you submit a list of the witnesses  
you propose to introduce, you communicate with said  
attorney, as the ~~same~~ required in the Robbins cases  
is the same as that required in yours.

In view of the action by the Department in your  
case, the motion filed by you June 16, 1906, for a  
rehearing in your case needs no further attention.

For your information there is enclosed herewith  
a copy of Departmental letter referred to.

Respectfully,

Encl. M.A.2-11.

CHIEF

*James Bixby*

Commissioner.

Cher. 7 300, 307 &  
308, Cher. Freedmen  
D 00.

COPY.

Muskogee, Indian Territory, August 2, 1906.

Louis T. Brown,

Attorney for Mary Robbins, et al,  
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of Departmental letter of July 19, 1906, setting aside the decision of the Commission to the Five Civilized Tribes, dated June 20, 1905, rejecting the application of James Rogers for enrollment as a Cherokee freedman, and ordering a rehearing in his case. The Cherokee freedman cases of Mary Robbins, et al, No. 389; Albert Rogers, No. 397; and Lillie Love, et al, No. 398; are also ordered to be reheard and readjusted with the case of James Rogers.

You are requested to advise this office at the earliest practicable date the names and addresses of all the witnesses whose testimony you propose to introduce in these cases. Upon receipt of this information the Attorney for the Cherokee Nation will be advised thereof, and a date will be set for a hearing in the cases, of which notice all parties at interest will be advised.

Respectfully,

Encl. H.A.2-13.

Tams Bixby.

Commissioner.

COPY.

Chas. F 309, 307 &  
308, Chas. Freedman  
D 60.

Muskogee, Indian Territory, August 2, 1906.

W. V. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

For your information there is enclosed herewith a copy of Departmental letter of July 19, 1906, in which the decision of the Commission to the Five Civilized Tribes, dated June 30, 1903, rejecting the application of James Rogers for enrollment as a Cherokee freedman, is set aside and a rehearing ordered in said case. A rehearing is also directed in the Cherokee freedmen cases of Mary Robbins, et al; No. 349; Albert Rogers, No. 357; and Lillie Lown, et al, No. 358; said cases to be consolidated with that of James Rogers, and to be readjudicated after the rehearing.

The principal applicants in these cases have this day been notified of the Department's action, and requested to advise this office at the earliest practicable date the names and addresses of the witnesses they propose to introduce in the cases. When this information is received, you will be advised thereof, and a date will be set for a hearing in the cases.

In view of this action by the Department, your  
motion filed June 22, 1906, for a remanding in the case  
of Mary Robbins, et al, and also the motion filed  
June 14, 1906, for a remanding in the case of James Rogers,  
need no further attention.

Respectfully,

H.A. Bush, S-12.

*Tame Bixby.*  
Commissioner.

Muskogee, Ind. Ter. August 22, 1906.

Cherokee Freedman, D 60.

Hon. Tams Bixby,

Commissioner to The Five Civilized Tribes,  
Muskogee, Indian Territory.

Dear Sir:-

In behalf of James Rogers, of Bristow, Indian Territory we acknowledge receipt of your letter, dated August 2, 1906, in which he is directed to notify you at the earliest practicable time the names and addresses of the witnesses he purposes to introduce along the lines indicated in your letter.

We beg to advise you that these witnesses are as follows:

Nancy Bengé,	Melvin Ind. Ter.,
Margaret Sangers,	" "
Dorcas Buffington,	" "
Mary Robbins,	Bristow, Ind. Ter.,
Lillie Lowe,	" "

We have also been employed as attorneys for Mary Robbins Albert Rogers and Lillie Lowe, who desire that their cases be taken up at the same time that the case of James Rogers will be taken up. They desire to introduce in their behalf the same witnesses which have been named by James Rogers.

The witness Dorcas Buffington, whom the applicants desire to use, is a very old and very infirm woman. She is entirely blind and is not able to leave her home. We therefore respectfully request that it be arranged so that some person from your office may proceed with the attorneys for the Cherokee Nation and for the



applicants and take her testimony at her home near Melvin, I.T.

We would not ask this but for the fact that it is absolutely impossible for her to be present at the Commission and because the applicants deem her testimony very material in their behalf.

We will thank you to notify us as well as the applicants themselves when you have fixed the date for the hearing in these cases.

Respectfully,

JMG-C

(signed) Zevely Givens & Smith,

Cherokee Freedman  
389.

Muskogee, Indian Territory, August <sup>30</sup>, 1906.

Mary Hobbins,

Bristow, Indian Territory.

Dear Madam:

In connection with your Cherokee freedman case, you are advised that this office is in receipt of a letter from your attorneys, Levely, Givens and Smith, Muskogee, Indian Territory, dated August 22, 1906, advising the names and addresses of the witnesses they propose to introduce in your case.

You are advised that you will be permitted to appear before the offices of the Commissioner on Thursday, September 27, 1906, and introduce in your behalf the testimony of the witnesses named by your attorneys.

The Cherokee Nation will also be permitted to appear on that date and introduce in rebuttal such testimony as it desires in your case.

Respectfully,

M.A.  
Register.

Acting Commissioner.

Cherokee Freedmen  
P. 29 et al.

Muskogee, Indian Territory, August 30, 1906.

Sevely, Givens and Smith,

Attorneys for Albert Rogers, et al.

Muskogee, Indian Territory.

Gentlemen:

Referring to your letter of August 28, giving a list of the names and addresses of witnesses you desire to introduce in the Cherokee freedmen case of James Rogers, Mary Robbins, et al, Albert Rogers and Lillie Lowe, et al, you are advised that you will be permitted to appear before the office of the Commissioner in Muskogee, Indian Territory, on Thursday, September 27, 1906, and introduce the testimony of the witnesses named by you.

You state that the witness, Berona Buffington, of Melvin, Indian Territory, is so aged and infirm to appear before the office of the Commissioner. You request that a representative be authorized to proceed with the attorneys for the applicants and the Cherokee Nation to Melvin, Indian Territory, for the purpose of taking her testimony. You are advised that on September 26, 1906, a representative of this office, with a stenographer, will proceed to Melvin, Indian Territory, for the purpose of taking the testimony of

Said Bureau Buffington. The Cherokee Nation has this day been advised herof.

The Nation will also be permitted to appear on September 27, and introduce in rebuttal such testimony as it desires in this case.

Respectfully,

N.A.

Acting Commissioner.

Cherokee Freedman  
D 60 et al,

Muskogee, Indian Territory, August 20, 1906.

W. V. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a letter from Kevaly, Givens and Smith, attorneys for applicants in the Cherokee freedmen cases of James Rogers, Mary Robbins, et al, Albert Rogers, and Lillie Lowe, et al, giving the list of names and addresses of witnesses they propose to introduce in said case.

You are advised that the applicants will be permitted to appear before the offices of the Commissioner on Thursday, September 27, 1906, and introduce in their cases the testimony of the witnesses named. It is claimed that the witness Doreas Buffington, of Melvin, Indian Territory, is too aged and infirm to appear before the offices of the Commissioner, and that her testimony is material in the case. The attorneys for the applicants have this day been advised that on September 26, 1906, a representative of the Commissioner, with a stenographer, will proceed to Melvin, Indian Territory, for the purpose of taking the testimony of said Doreas Buffington.



-2-

The Cherokee Nation will be permitted to appear before the offices of the Commissioner on September 27, and introduce in rebuttal such testimony as it desires in this case.

Respectfully,

H.A.

Acting Commissioner.

Cherokee Freedman  
D 60.

Muskogee, Indian Territory, August 30, 1906.

James Rogers,

Bristow, Indian Territory.

Dear Sir:

In connection with your Cherokee freedman case, you are advised that this office is in receipt of a letter from Gevely, Givens and Smith, your attorneys, Muskogee, Indian Territory, dated August 22, 1906, advising the names and addresses of the witnesses they propose to introduce in your case.

You are advised that you will be permitted to appear before the offices of the Commissioner on Thursday, September 27, 1906, and introduce in your behalf the testimony of the witnesses named by them.

The Cherokee Nation will also be permitted to appear on that date and introduce in rebuttal such testimony as it desires in your case.

Respectfully,

M.A.B  
Register.

Acting Commissioner.

Cherokee Freedmen  
D 60

Muskogee, Indian Territory, September 22, 1906

James Rogers,

Bristow, Indian Territory.

Dear Sir:

You are hereby advised that by agreement between your attorneys and the attorney for the Cherokee Nation, the hearing in your Cherokee Freedmen enrollment case has been continued from September 27 to October 11, 1906.

Respectfully,

L M B

Commissioner

Cherokee Freedmen  
D 90

Muskogee, Indian Territory, September 22, 1906

Levely, Givens & Smith,

Attorneys for James Rogers, et al.

Muskogee, Indian Territory,

Gentlemen:

This office is in receipt of a stipulation between you and W. E. Hastings, attorney for the Cherokee Nation, agreeing that the Cherokee freedmen enrollment cases of James Rogers et al., be continued from September 27 to October 11, 1906, and that the taking of the testimony of Dorcas Buffington at Melvin, Indian Territory, be continued from September 26 to October 10, 1906.

You are advised that said cases will be continued until October 11, 1906, and the taking of the testimony of Dorcas Buffington at Melvin, Indian Territory, will be continued until October 10, 1906.

Respectfully,

L M B

Commissioner

Cherokee Freedmen  
D 60 et al

Muskogee, Indian Territory, September 22, 1906

W. W. Hastings,

Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

This office is in receipt of a stipulation between you and Seely, Givens and Smith, attorneys for applicants in the Cherokee Freedmen cases of James Rogers, et al., agreeing that they be continued from September 27 to October 11, 1906, and that the taking of the testimony of Dorcas Buffington at Melvin, Indian Territory, be continued from September 26, to October 10, 1906.

You are advised that said cases will be continued until October 11, 1906, and the taking of the testimony of Dorcas Buffington at Melvin, Indian Territory, will be continued until October 10, 1906.

Respectfully,

I M B

Commissioner



Cherokee Freedmen  
389

Muskogee, Indian Territory, September 22, 1906

Mary Robbins,

Bristow, Indian Territory.

Dear Madam:

You are hereby advised that by agreement between your attorneys and the attorney for the Cherokee Nation the hearing in your Cherokee freedmen enrollment case has been continued from September 27 to October 11, 1906.

Respectfully,

L M B

Commissioner

Cher. Freed.  
3898 et al.

Muskogee, Indian Territory, October 17, 1906.

Sevely, Givens & Smith,

Attorneys for Mary Robbins, et al.,

Muskogee, Indian Territory.

Gentlemen:

There are enclosed herewith copies of testimony taken October 10 and 11, 1906, in the Cherokee Freedman Case of Mary Robbins, et al.

Complying with your request you are advised that you will be given fifteen days from date hereof within which to file a brief on behalf of applicants in this case, a copy of which you will be required to serve on the attorney for the Cherokee Nation.

Respectfully,

MC-17-1

Commissioner.

Cher. Freed.  
3898 et al.

Muskogee, Indian Territory, October 17, 1906.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There are enclosed herewith copies of testimony taken October 10 and 11, 1906, in the Cherokee Freedman Case of Mary Robbins, et al. The attorneys for applicants have this day been advised that they will be allowed fifteen days from date hereof within which to file a brief on behalf of applicants, a copy of which they will be required to serve on you.

You are advised that you will be allowed ten days from date of service of the copy of their brief, within which to file a reply.

Respectfully,

MC-17-2

Commissioner.

Cherokee Freed.

D 60.

Muskogee, Indian Territory, December 3, 1906.

James Rogers,

Bristow, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, rejecting, among others, your application for enrollment as a Cherokee freedman.

Your Attorneys, Zevely, Givens & Smith, Muskogee, Indian Territory, have heretofore been furnished a copy of the record of proceedings had in the case, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. W-6.  
S. W.

Commissioner.

Acting

Register.

Cherokee Freed.  
300, et al.

Muskogee, Indian Territory, December 3, 1906.

Bevelly, Givens & Smith,

Attorneys for Mary Robbins, et al.,

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, rejecting the applications of Mary Robbins, et al., for enrollment as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. W-9.  
S.V.

Acting Commissioner.



Cherokee Freed.  
300.

Muskogee, Indian Territory, December 3, 1906.

W. W. Hastings,  
Attorney for Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, rejecting the applications of Mary Robbins, et al., for enrollment as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. W-10.  
S.W.

Commissioner.

Washburn, Indian Territory, December 3, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the consolidated applications for the enrollment of Mary Robbins, et al., as Cherokee freedmen, including the decision of the Commissioner, dated December 3, 1906, refusing the applications for the enrollment of Mary Robbins, Nellie and Sherman Jones, Lillie, Hansen, Evalina and Martha Lowe, Albert and James Rogers, as Cherokee freedmen.

On July 19, 1906 (I.T.D. 9800-1906, 7900-1906), the Department rescinded its decision favorable to the applicants in this case, except James Rogers, and remanded the case to this office for further hearing and readjudication.

Respectfully,

Commissioner.

Through the  
Commissioner of Indian Affairs.

Encl. W-11.  
S.W.

Land,  
100000-100000.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

(COPY)

February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 19, 1906, (I.T.B. 10000-10000, 10000-10000), wherein the Department reaffirmed its decision favorable to the applicants in the Cherokee freedmen enrollment case of Mary Robbins, et al., except as to James Rogers, and remanded the case to the Commissioner to the Five Civilized Tribes for further hearing and re-adjudication, I have the honor to transmit herewith a communication from the Acting Commissioner to the Five Civilized Tribes, dated December 2, 1906, transmitting the record of the proceedings had in the matter of the consolidated application for the enrollment of Mary Robbins, et al., as Cherokee freedmen, including the decision of the Commissioner, dated December 3, 1906, denying the application for the enrollment of Mary Robbins, Delle and Sherman Jones, Lillie Hanson, Evelyn and Bertha Howe, and Albert and James Rogers.

On receipt of Departmental letter of July 19, 1906, the applicants herein were notified on August 20, 1906, that further testimony would be taken at the office of the Commissioner on September 27, 1906. By stipulation of the attorneys, this time was further extended to October 11, 1906, at which time further testimony was taken. The testimony of Dorcas Buffington, a witness in behalf of the applicants, was taken at Selvin, I.T., on October 10, 1906.

The evidence shows that the principal applicant herein, Mary Robbins, was a slave of a Cherokee citizen at the beginning of the Civil War, and that during the progress of the War she left the Cherokee Nation and went into the State of Kansas and resided for some time at or near Fort Scott. It is further shown that she did not return to the Cherokee Nation until after February 11, 1867. The testimony tends to show that she did not return until about the year 1870, though the exact time is not conclusively shown.

The record further shows that all of the other applicants included in this case are descendants of Mary Robbins, and were born since 1866, and neither claim nor possess any rights to enrollment as Cherokee freedmen other than as descendants of Mary Robbins. None of the applicants can be identified on any of the authenticated rolls of the Cherokee Nation in possession of the Commissioner to the Five Civilized Tribes, except on the Kew-Ellison roll.

Under the provisions of Section XI of the Act of Congress approved June 23, 1906 (34 Stat.L., 498), the Office is of the opinion that the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, denying the application for the enrollment of Mary Robbins, Nellie Jones, Sherman Jones, Lillie Love, Hanson Love, Evaline Love, Bertha Love, Albert Rogers, and James Rogers, is correct and it is respectfully recommended that it be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

D.C. 13130-1907.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

W.H.M.

C.R.

I.T.B. 13130-1907.

March 4, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of February 14, 1907 (Land 106411-1906), copy whereof is enclosed, your decision of December 2, 1906, denying the application for the enrollment of Mary Robbins, Bellie Jones, Sherman Jones, Lillie Lowe, Ransom Lowe, Evalina Lowe, Bertha Lowe and Albert Rogers, and James Rogers, is hereby affirmed, and the Department, in pursuance thereof, has hereby cancelled the names of Mary Rogers, Bellie Rogers, Sherman Jones, Albert Rogers, Lillie Jones, Ransom Lowe, Evalina Lowe and Bertha Lowe, from the approved roll of November 14, 1906, of Cherokee freedmen, opposite numbers 3280, 3281, 3282, 3283, 3287, 3288, 3289, 3290, respectively.

You will take similar action upon the partial roll in your possession, and the Indian Office has this day been directed to take similar action.

The record in the case has been returned for the files of the Indian Office, together with copy hereof.

Respectfully,

1 enclosure, and  
6 encls., with copy hereof to I.O.

(Signed) Jesse E. Wilson

Acting Secretary.

WCF 1/4/07



Cherokee F.  
\$20.

COPY

Wahkagee, Indian Territory, March 21, 1907.

W. V. Hastings,

Attorney for Cherokee Nation,

Wahkagee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the commissioner to the five civilized tribes, dated December 3, 1906, rejecting the application for the enrollment of Mary Robins, et al. as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of departmental decision referred to.

Respectfully,

SIGNED T. M. Pixby,  
Commissioner.

Encl. C-30  
LMC

Cherokee P.  
D. 60.

COPY

Muskegee, Indian Territory, March 22, 1907.

James Rogers,

Bristow, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

SIGNED *Tams Bixby*

Commissioner.

LMC

Cherokee v.  
389

COPY

Muskogee, Indian Territory, March 31, 1907.

Zevely, Givens & Smith,

Attorney for Mary Robbins, et al.,

Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 3, 1906, rejecting the application for the enrollment of Mary Robbins, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of departmental decision referred to.

Respectfully,

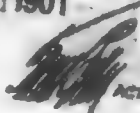
SIGNED Tamm Dixie  
Commissioner.

Encl. 2-28  
LMD

8 7860

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
SEP 7 1901

  
ACTING CHAIRMAN

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. HEDDER,  
C. R. BRACKENRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

XX Gibson L.J. Sept 7 1901

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the matter of the application of  
James Rogers for enrollment as  
Freedmen of the Cherokee Nation.

No. 8 D. 60

W. H. Paul  
Atty. for Applicant.





JUN 16 1866

James Cunningham,  
Muckogee,

Cher Fr R 833

Trans. from Cher Fr D 79

Cher Fr R 833

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
PORT GIBSON, I. T., APRIL 16th, 1901.

In the matter of the application of Mary Hemitte for enrollment as a Cherokee Freedman; said Hemitte being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q. What is your name? A. Mary Hemitte.  
Q. How old are you? A. 29.  
Q. What is your post office address? A. McLain.  
Q. What district do you live in? A. Canadian.  
Q. Do you apply to be enrolled as a Cherokee Freedman? A. Yes, sir.  
Q. Have you ever applied to be enrolled as a Freedman of any other Nation or tribe? A. No, sir.  
Q. Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A. Yes, sir.  
Q. Is your name on the rolls of the Cherokee Nation? A. Yes, sir.  
Q. What is your father's name? A. Bahl Buffington. (Bill Buffington)  
Q. Is he dead? A. Yes, sir.  
Q. What is your mother's name? A. Lixie Buffington.  
Q. Is she living? A. Yes, sir.  
Q. Who do you desire to enroll besides yourself? A. Just myself.  
Q. Are you married? A. Yes, sir.  
Q. What is your husband's name? A. Jim Hemitte.  
Q. Is he a citizen? A. No, sir.  
Q. Have you always lived in the Cherokee Nation? A. Yes, sir.  
Q. Were you born in the Cherokee Nation? A. Yes, sir, born in Tahlequah.

BY W. W. HASTINGS, Cherokee Representative:

Q. What other name did your mother go by before she was married--Buffington, for instance; what was her father's name? A. Landrum.  
Q. And your mother's name would be Lixie Landrum? A. Yes, sir.  
Q. Is your father alive? A. No, sir, he is dead.  
Q. How long ago? A. Eight years ago.

BY COMMISSIONER NEEDLES:

Q. Did you ever have a step-father? A. Yes, sir.  
Q. What is his name? A. Tom Waffield.

BY W. W. HASTINGS:

Q. Did you apply before the Kerne-Clifton roll for enrollment, five years ago? A. Yes, sir.  
Q. Did they find your name on the roll? A. I didn't draw the money.

BY COMMISSIONER NEEDLES:

Q. Is your mother alive? A. Yes, sir.  
Q. Where is she? A. Port Smith.  
Q. You will have to bring somebody here to identify you; your name is not on the roll any way; is anybody here known you? A. Yes, sir; my aunt raised me.  
Q. Where is your aunt? A. Nan Maskey, she is back here.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.  
The 1896 Census Roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.

Mary Hemitte--2.

NAH MACKKEY, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Nan Mackey.  
Q How old are you? A About 47 I guess.  
Q You are a Cherokee Freedman are you? A Yes, sir.  
Q Now, do you know Mary Hemitte here? A Yes, sir, this is her.  
Q How long have you known her? A I been knowing her all her days.  
Q What was her mother's name? A Lizzie McLaughlin; Lissie Buffington now, by her husband's name.  
Q Was Lizzie Buffington a slave? A Yes, sir.  
Q What was her owner's name? A Betsey McLaughlin.  
Q Do you know whether her mother was taken out during the war between the Confederacy and the United States? A No, sir, she never was taken out.  
Q To your knowledge, you are positive that she lived here during the war? A Yes, sir.  
Q Was she taken out during the war? A She was taken out after; she went from here to Webbers Falls after the War.  
Q Where was she taken? A Taken to Spavinaw.  
Q Was she taken out of the Nation? A No, sir.

BY L. D. BELL, Cherokee Representative:

- Q Did you know her while she lived up there? A She was my sister.  
Q Was you up there with you? A We lived right in the same settlement, my mother did, I was quite small but then I recollect my sister well.  
Q I am asking if you were there with her? A She never was taken out of the Nation as I know of.  
Q You stated that you knew that she was not; I am asking you if you lived up there with her? A Not when I was here in Fort Gibson.  
Q She was not here in Fort Gibson all during the war? A I don't know where she was up in the Cherokee Nation.  
Q Do you know when she married Bill Buffington? A No, sir, I don't.  
Q You don't know anything about that marriage except what they told you about it afterwards, do you? A I know that she was Bill Buffington's wife.  
Q You were not there with them, how did you know it? A I didn't live with him.  
Q Did you live close up there? A No, sir, I told you I was here in Fort Gibson, until after she come down here with these children.  
Q I am talking about this marriage between her and Bill Buffington? A I don't know nothing about the marriage; they didn't let negroes marry in them days they just took up the best they could.

BY COMMISSIONER NEEDLES:--

- Q Did they live together as man and wife? A Yes, sir.  
Q Were these children born while they were living together as man and wife? A Yes, sir.

(The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and the name of Bill Buffington not found thereon.)

BY W. W. HASTINGS, Cherokee Representative:

- Q Was your sister older or younger than you? A Older.  
Q About how much? A I don't know.  
Q Well, four, five? A She was a good look.

Mary Hemitte--3.

Q Ten years you think? A Older than that.  
Q Do you think she was as much as 20? A Older than me.  
Q Then she would be older than 20 years of age if she were living now? A I know she is a good deal older than I.

BY COMMISSIONER NEEDLES:

Q You say she is not of sound mind? A No, sir.  
Q She could not be qualified to testify if she were here?  
A No, sir, she can't tell anything except who her master was and her children. She don't know nothing about her age and nothing about these children here.

BY L. D. REEL,

Q What was her name? A Lizzie.

BY COMMISSIONER NEEDLES:

Q Is there any people here that knows this woman and this girl?  
A Yes, sir; Luster Foreman.

LUSTER FOREMAN, Being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Luster Foreman.  
Q How old are you, Mr. Foreman? A I am about 55 years old, I guess.  
Q What is your post office address? A Vinita.  
Q Do you know Bill Buffington, William Buffington, who was the husband of Lizzie Buffington? A Yes, sir, acquainted with him slightly.  
Q Did you know Lizzie? A Yes, sir.  
Q Do you know where Lizzie was during the war? A A I did not know where for myself more than what I have heard; I was not acquainted with her then.  
Q Do you know who her owner was? A No, sir.  
Q You don't know then whether she remained here during the war or not? A I don't know positive more than what I heard, I was not acquainted with her until after the war.  
Q When did you first become acquainted with Lizzie Buffington?  
A Along about '80 sometime, I could not tell just exactly.  
Q Away after the war? A Yes, sir.

BY W. W. HASTINGS, Cherokee Representative:

Q Do you know where they had been living then? A Up on Grand River in Saline District, that was where the old man was living when I went up there.

MARY HEMITTE, the Applicant, re-called, testified as follows:  
EXAMINATION BY COMMISSIONER NEEDLES:

Q You say you did not draw strip money? A No, sir.

COM'R NEEDLES:--The name of Mary Hemitte cannot be found or identified upon the authenticated roll of 1880, nor upon any of the rolls of the Cherokee Nation now in the possession of this Commission. She avers that she is the daughter of William Buffington, and that her mother's name is Lizzie Buffington. The names of her father and mother cannot be found upon the roll of 1880. By reason that she



Mary Hemitte--4.

cannot be fully identified, although she makes satisfactory proof as to her residence, final judgment as to the enrollment of said Mary Hemitte, nee Buffington, will be suspended and her name will be placed upon a doubtful card.

SUPPLEMENTAL TESTIMONY as to the matter of the enrollment of the above named Applicant:

L. D. BELL, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A L. D. Bell.  
Q Post office Vinita? A Vinita.  
Q Age about? A 61. Well, I don't know anything at all about the applicant. I know William Buffington who she claims to be her father and know who her mother was, who she claims to be. Bill Buffington belonged to our family and I knew him from the time I can recollect until he died and he lived in the upper part of the Cherokee Nation. He stayed here, I don't think he left the Cherokee Nation at all until the fall of '65, then he took his family south there, so they told me, when he come back--three years-- and then he died finally. I had some business with him; Joe Thompson and I tried for a good many years to get a pension for his family. Bill had a wife named Dilzie; after she died he took that McLaughlin woman--he lived about 20 miles from me--she was a young woman about 25 years of age and they have got some other children besides these.  
Q Do you know anything about this woman, Mary? A Nothing in the world.

---000000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

*J. O. Rosson*

Subscribed and sworn to before me this 17th day of April, 1901.

*T. B. Needles*

Commissioner.

FD 79

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

F. T. D.  
APR 16 1901

 ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 16 1901  
 Post Office McLain  
 District Canadian

1. Name ..... Age .....  
 Owner's name ..... Citizenship .....  
 Year ..... Page ..... No. .... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

(1) Name of wife Mary Hemette Age 29

Owner's name ..... Citizenship .....

Year ~~1880~~ Page ..... No. .... District .....

Parents:

Father Bonnie Buffington Citizenship Col D

Mother Lizzie Citizenship Col

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by Mc (1) Stenographer Ross or J. O.

(1) SO Bell

Don't feel

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FORT GIBSON, I. T., APRIL 16th, 1901.

In the matter of the application of Mary Hemitt for enrollment as a Cherokee Freedman.

MAN MACKAY, being sworn and examined by Commissioner F. B. Needles, testified as follows:

- Q What is your name? A Man Mackay.  
Q How old are you? A About 47 I guess.  
Q You are a Cherokee Freedman are you? A Yes, sir.  
Q How do you know Mary Hemitt here? A Yes, sir, that is her.  
Q How long have you known her? A I been knowing her all her days.  
Q What was her mother's name? A Lissie McLaughlin; Lissie Buffington now, by her husband's name.  
Q Was Lissie Buffington a slave? A Yes sir.  
Q What was her owner's name? A Betsey McLaughlin.  
Q Do you know whether her mother was taken out during the war between the Confederacy and the United States? A No, sir, she never was taken out.  
Q To your knowledge, you are positive that she lived here during the war? A Yes, sir.  
Q Was she taken out during the war? A She was taken out after she went from here to Webbers Falls after the war.  
Q Where was she taken? A Taken to Spavinaw.  
Q Was she taken out of the Nation? A No, sir.

BY L. D. BELL, Cherokee Representative:

- Q Did you know her while she lived up there? A She was my sister.  
Q Was you up there with her? A We lived right in the same settlement, my mother did, I was quite small but then I recollect my sister well.  
Q I am asking if you were there with her? A She never was taken out of the Nation as I know of.  
Q You stated that you knew that she was not; I am asking you if you lived up there with her? A Not when I was here in Fort Gibson.  
Q She was not here in Fort Gibson all during the war? A I don't know where she was up in the Cherokee Nation.  
Q Do you know when she married Bill Buffington? A No, sir, I don't.  
Q You don't know anything about that marriage except what they told you afterwards, do you? A I know that she was Bill Buffington's wife.  
Q You were not with them; how did you know it? A I didn't live with him.  
Q Did you live close up there? A No, sir, I told you I was here in Fort Gibson, until after she come down here with these children.  
Q I am talking about this marriage between her and Bill Buffington? A I don't know nothing about the marriage, they didn't let ~~negroes~~ negroes marry in them days they just took up the best they could.

BY COMMISSIONER NEEDLES:--

- Q Did they live together as man and wife? A Yes, sir.  
Q Were these children born while they were living together as man and wife? A Yes, sir.

(The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and the name of Bill Buffington not found therein.)

BY W. V. HASTINGS, Cherokee Representative.

- Q Was your sister older or younger than you? A Older.  
Q About how much? A I don't know.



Q Well, four, five? A She was a good deal.  
Q Ten years you think? Older than that?  
Q Do you think she was as much as 20? A Older than me.  
Q Then she would be older than 20 years of age if she were living now? A I know she is a good deal older than I.

BY COMMISSIONER KERRICK:

Q You say she is not of sound mind? A No, sir.  
Q She could not be qualified to testify if she were here?  
A No, sir, she can't tell anything except who her master was and her children. She can't know nothing about her age and nothing about these children here.

BY L. D. BEE:

Q What was her name? A Lizzie.

BY COMMISSIONER KERRICK:

Q Is there any people here that knows this woman and this girl?  
A Yes, sir: Buster Foreman.

Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a true and complete copy of the original transcript.

*Edith L. Morey*

Subscribed and sworn to before me this 10th day of July 1904.

*Charles H. Lawrence*

Notary Public.



Department of the Interior,  
Commissioner to the Five Civilized Tribes,  
Wash., D. C., May 21, 1902.

Additional order in the matter of the application of Mary  
H. D. Gaud et al. to the Department of the Attorney for Mary  
H. D. Gaud et al. for the same. It is ordered  
that the same be entered in the entry of the enrollment of AB  
Harrison D. Gaud et al. and William Buffington on D 876 be made  
a part of the record in the case of said Mary Hemite, and a copy  
of the same will be filed with the application of said Mary Hemite  
for enrollment as a Quapaw Indian; her enrollment being upon D  
Card 78.

*W. H. H. H. H.*  
Commissioner.

RECEIVED  
MAY 21 1902  
U. S. DEPT. OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

to be filed in case of Mary Hemette, B. 1-19.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Wash., D. C., May 31, 1901.

In the matter of the application of William Buffington for enrollment as a Cherokee Freedman.  
William Buffington, being duly sworn and examined by Commissioner Neelies, testified as follows:

- Q What is your name? A William Buffington.  
Q How old are you? A About 34 years old.  
Q What is your home? A Vinita.  
Q In what district do you live in? A In Delaware.  
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.  
Q Desire to enroll anyone besides yourself? A Well I have a sister but she is sick and she can't be here, and her mother.  
Q How old is she? A She is about 33.  
Q Well, she will have to appear herself. Does your name appear upon the authenticated roll of 1880? A No, sir, I don't think it does.  
Q On the Kerna-Glifton roll? A I don't think it is.  
Q Never draw what is known as the strip money? A No, sir.  
Q Is your name to be found on the Wallace roll? A Yes, sir.  
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.  
The 1888 census roll of Cherokee Freedmen examined and the applicant not identified thereon.  
The Kerna-Glifton pay-roll examined and the applicant not identified thereon.  
Q What was your father's name? A William Buffington.  
Q Is he living? A No, sir.  
By E. M. Amherst, attorney for applicant: What is your mother's name? A Lizzie.  
Q Is she living? A Yes, sir.  
Q In her name on the roll of 1880? A I don't think it is.  
Q Were you born a slave? A No, sir.  
Q Was your mother a slave? A Yes, sir.  
Q To whom did she belong? A Andy McLaughlin.  
Q Is she a Cherokee citizen? A Yes, sir.  
Q Are you a brother to Ab Buffington? A Yes, sir.  
Q Where were you born? A I was born on Betty's Prairie.  
Q In the Cherokee Nation? A Yes, sir, Delaware district.  
Q You are a full brother to Ab Buffington? A Yes, sir.  
Q William Buffington was his father? A Yes, sir.  
Q And Lizzie Buffington was his mother? A Yes, sir.  
Q Has your mother been enrolled? A Not yet.  
The Wallace roll examined and the applicant identified thereon page 95, No. 2125, Saline district, Wm. Buffington.

By A. R. Bell, Cherokee attorney: How many children were there in the family of Will Buffington? A There is four living and two dead.

- Q You say you were born here in the Cherokee Nation? A Yes, sir.  
Q About what year? A 1866.

Commissioner: Reference is made to the testimony taken in the application of Ab Buffington for enrollment as a Cherokee Freedman, whose name is enrolled upon doubtful card D-574, and the testimony taken in said case will be made part of the testimony in this application. Said William Buffington's name is not found upon any of the rolls in the possession of this Commission except the Wallace roll, and he is duly identified upon the Wallace roll and he will be listed for enrollment as a Cherokee Freedman that is known as a doubtful card.

Supplemental testimony.

William Buffington - 2.

Easter Tolman, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Easter Tolman.

Q How old are you? A About 40 or 50 years old.

Q What is your post office address? A Vinita.

Q How long have you lived in the Cherokee Nation? A All my life.

Q And on the authorized roll of 1849? A Yes, sir.

Q How long have you lived here in the Cherokee Nation? A All my life.

Q Are you acquainted with Bill Buffington, the applicant? A Yes, sir, reasonably, since I have been up in this country.

Q Did you know his father, William Buffington? A No, sir.

Q Did you know his mother? A Yes, sir, slightly.

Q How long did you say you have known William Buffington, the applicant? A I have known him since I came in to Vinita, about ten or twelve years.

Q You don't know anything about when he was born? A No, sir.

Fred Martin, being duly sworn by Commissioner Needles, testified as follows:

Q State your name? A Fred Martin.

Q What is your age? A 45.

Q Where do you live? A Live on Grand River in Saline district.

Q How long have you lived there? A I have lived there nearly all my life.

Q What is your postoffice? A Spavinaw.

Q You are on the authenticated roll of 1849 are you? A No, sir.

Q Are you on any of the rolls? A Yes, sir, my name went through the other day on a straight card.

Q You say you have lived there on that place nearly all your life where you all live? A Yes, sir.

Q Do you know Bill Buffington, the applicant? A Yes, sir.

Q How long have you known him? A Ever since he was quite a small boy.

Q Who was his father? A Bill Buffington.

Q Did you know Bill Buffington during his live time? A Yes, sir, some parts of it.

Q Where was he living when you knew him? A When I first knew him was when he had moved from somewhere. They said up close to Marietta, to old man Griffin Daniels.

Q Do you remember when that was? A Why not exactly the days of the year, but these two boys, and another girl that died in Vinita, was very small.

Q When he moved to Grand River? A Yes, sir.

Q To Daniel Griffin's place? A To Griffin Daniels, yes, sir.

Q What was the names of these boys? A One they called Al and one they called Billie.

Q They were small? A Yes, sir.

Q That was when he came there? A Yes, sir, that was when he moved down on Grand River.

Q Was his wife with him at that time? A No, sir.

Q And you don't know what year that was? A No, sir, don't know the year.

Q How long did he live there? A Let me see if I can tell you, he made a crop I think, for Granddaddy Griffin as we called him, and then he taken the children to his brother's widow, these three little children, it was then Peggy Henry, after they came down here and he then went over and stayed a while during the same year somewhere near Gus Buffington.

Q Where was that? A Over in Delaware district over near Joe Lynch who is on trial over there now, he stayed there all after the small boy and then he moved from there to Jack Davis and Jack built him a little house over just across the branch from where he is living, and there is where Uncle Bill lived and died.



William Buffington - 3.

- Q When did he die? A In 1889.
- Q Do you know when it was he carried these children to his sister in law? A No, sir, I don't.
- Q How old was William at that time? A I don't know at that time, they were very large, Eliza was the least of all, Billie was the next, and Ab was the largest.
- Q Where did they live, this sister in law, Peggy Henry? A She lived at the place that is called now the Stephen Henry place.
- Mr. Bell: Tell where it is? A It is in Saline district on Lynch's Prairie.
- Mr. Rutherford: You don't know the year that he came to Grand River? A No, sir.
- Q Did you know him when he lived out there first? A No, sir.
- Q You never knew him till he came down to Grand River? A I never knew him till he came to Grand River, but I knew him from that time on up until he died.
- Q Do you know where his wife was at that time? A No, sir, not of my personal knowledge. I have heard him say where she was, but then I don't know myself.
- Q Have you known these boys constantly since that time, Billy and Ab? A Yes, sir.
- Q Where have they lived? A Well, Bill has traveled around some. I don't know just where he has been, he has been living in Vinita a right smart bit; Ab has been living in Vinita part since that time.
- Q Since you knew them on Grand River as children? A Yes, sir.
- Q You state the old man died in 1889? A Yes, sir, I know he died because I helped bury him, I helped dig the grave and helped put him in the coffin.
- Q You had seen him in this country from the time he first came here off and on till he died? A Yes, sir.
- Q He never was gone out that you know anything about? A No, sir, if he went out that was before my recollection.
- Q Do you know, taking the war as a starting point, how long was it after the war that you first met him down on Grand River? A Well, I don't know about that; he has been on Grand River, I can tell you, near about how long he had been there before he died; between three and four years before he died, somewhere along there.
- Q And you understood he moved from Beatty's Prairie? A That is what I understood, but I don't know anything about that of my own personal knowledge, all I know is what I saw, I know that.
- Q Do you know anything about why his wife wasn't living with him? A No, sir, no more than I heard they were separated.
- Q How long had they separated, you understood, before he came to Grand River? A I don't know, the first I knowed of them being separated is when he brought them children there.
- Q That was several years before he died? A Yes, sir, between three and four years before he died.

\*\*\*\*\*  
Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 23rd of May, 1901.

Bruce C. Jones.  
G. R. Breckinridge,  
Commissioner.

William Buffington No. 4.

(Case continued, May 31, 1901.)

Ben Beck, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Ben Beck.

Q What is your age? A I am about 58.

Q What is your postoffice? A Vinita.

Q Are you a citizen of the Cherokee Nation? A Yes sir.

Q By blood or Freedman? A I am both, I guess, I am mixed, yes.

A Freedman.

Q Is your name on the roll of 1880? A I don't know sir, whether it is or not.

By S. M. Rutherford, Applicant's Attorney: How long have you lived in the Cherokee Nation? A Raised here.

Q What point? A In Flint District.

Q Did you know William Buffington? A Yes sir.

Q Do you know William Buffington, the applicant here? A Yes sir.

Q Do you know who his father was, this William Buffington here?

A Yes sir, Bill Buffington.

Q When did you first know William Buffington? A I used to know him when he was a boy.

Q Where? A In Flint.

Q Where was he living in Flint? A He lived on Beatty's Prairie.

Q Did you see him after the war in here? A Yes sir, I saw him.

Q Where? A At Vinita.

Q Do you know where he lived immediately after the war? A No sir.

Q Didn't know just after the war.

Q You didn't know just where he lived? A No, not at that time.

Q Who was his wife? A Lizzie.

Q Were they living together when you knew them? A No sir.

Q Do you know when they separated? A No sir, I don't know when they separated; he was separated when I knew him.

Q You know how many children they had? A Three, I believe here.

Q What are the names of these three? A Ah, Bill, and one Lizzie; she is dead.

Q That was when you saw him after the war? A Yes sir.

Q Where was his wife living at that time? A I don't know where.

Q Heard she was down by Gibson; I never saw her myself; he said she was there.

Q You have known these children continuously since you first met them? A Yes sir.

Q Where have they lived? A In Vinita.

Q Which ones live in Vinita? A Ah, and Bill; this girl she died in Vinita.

By E. Bell, Cherokee Attorney: You say you have known these boys

ever since you first saw them? A Yes sir.

Q Where does Bill Buffington live? A In Vinita.

Q How long has he been living there? A I don't know how long.

Q How could you be knowing him all the time? A I said ever since

I knowed him he has been living there.

Q You don't know whether he has been living there six months or not?

A Yes, longer than that.

Q Well how long? A I have been living here going on fifteen years

myself.

Q Bill has been living there fifteen years, has he? A Yes sir.

Applicant's attorney ask that the testimony of Ben

Hackey taken in the application of Mary Hemette on the 16th

day of April be made a part of the record in the case now under

consideration. The same being testimony B. Card No. 78.

Lizzie Warfield, being sworn by Commissioner Needles, and examined

by S. M. Rutherford, testified as follows:

Q What is your name? A Lizzie Warfield.

Q Warfield, he is your second husband is he? A Yes sir.

Q Was your first husband? A Buffington.

Q What is your postoffice address. Where do you get your mail?

A I don't know.



Q Muldrow, or Cherokee? A Don't know.  
 Q You say William Buffington was your first husband? A Yes sir.  
 Q You and he separated? A Yes sir.  
 Q How many children did you have by William Buffington? A Two boys and a girl.  
 Q What girl? A My daughter.  
 Q Mary Hemitt? A Yes sir.  
 Q What boys William and Abi? A Yes sir.  
 Q And Mary and Dawsin? A Yes sir.  
 Q They were your children by William Buffington? A Yes sir.  
 Q Where were they living when they were born? A On Beatty's Prairie.  
 Q When did you separate from William Buffington, how long ago?  
 A I don't know, I forgot how long it was.  
 Q Have you always lived here in the Cherokee Nation since you came back? A I don't know.  
 Q What became of Mary after you and William Buffington separated who took her? A One of her aunts took her.  
 Q Which one? A Clara.  
 Q Didn't Van Manual take her? A Yes sir, she took her. I forgot.  
 Q She took her and raised her, didn't she? A Yes sir.  
 Q E. Bell, Cherokee Attorney: Now say these children were all born at Beatty's Prairie? A Yes sir.  
 Q When? A I don't know, it has been so long.  
 Q Was it before the war or after the war? A After the war, I think.  
 Q I would like to ask you, do you think you recollect that they were born? A No, I don't think I does, it has been so long.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. C. Rothberger.

Subscribed and sworn to before me this 27th day of May, 1901.

G. H. Brockinridge,  
 Commissioner.

The undersigned, being duly sworn, says as stenographer to the Commission to the Five Civilized Tribes that he made the above and foregoing copies, and that it is a true and correct copy of the original.

Subscribed and sworn to before me this 27th day of May, 1901.

*E. C. Rothberger*  
 Commissioner.

To be filed in case of Mary Hemmets, D-79.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Vinita, I. T., May 21, 1901.

In the matter of the application of Ab Buffington for enrollment as a Cherokee Freedman.  
Ab Buffington, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Ab Buffington.  
Q How old are you? A 36.  
Q What is your post office address? A Vinita.  
Q What district do you live in? A Delaware.  
Q Do you want to be enrolled as a Cherokee Freedman? A Yes.  
Q Is your name found on the roll of 1880? A I don't know whether it is there or not.  
Q Did you draw any money from the Cherokee Nation? A Yes, sir.  
Q Did you ever vote? A Yes, sir.  
Q Been a recognized citizen? A Yes, sir.  
Q Who do you want to enroll besides yourself? A Just myself.  
Q What was your father's name? A Bill Buffington.  
Q Is he living? A No, sir.  
Q Is his name on the roll of 1880? A I don't know whether it is there or not.  
Q What is your mother's name? A Lizzie.  
Q Is she living? A Yes, sir.

By Miss Smith, Attorney for Applicant: Where do you live? A Delaware district.

Q Do you live in Vinita? A Yes, sir.

Q How long have you lived there? A Well, I have lived the biggest part of my life, about 20 years I guess.

Q About twenty years in Vinita? A Yes, sir.

Q Where were you living as far back as you can remember? What is your earliest recollection of any place? A Living in Vinita.

Q You can remember further back than 20 years? You are 36 years old? A I just mention about living in Vinita that long.

Q What is your earliest recollection as to where you lived? A On Grand River.

Q What portion of the Cherokee Nation did you live in, that part of Grand River? A Near the place they call Island Ford. I believe that is the name of the place it is near.

Q Are you on the Wallace roll? A Yes, sir.

Q The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q The 1890 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q The Wallace roll examined and the applicant identified thereon, page 105, No. 5155, Cooweescoowas district.

Q Did you draw any money on that Wallace payment? A Yes, sir.

Q Have you any brothers or sisters, Ab? A Yes, sir, I have three full brothers and sisters.

Q What are their names? A The oldest one is named Bill, and a sister Mary.

Q Is your sister Mary's name Buffington or is she married? A She is married.

Q What is her name now? A Her name is Mary Hemmets now.

Q Are they older or younger than you are? A They are younger than I am.

Q You don't know yourself about who your father or mother belonged to or anything about the war time, you are too young? A No, sir.

Q I don't remember very much about back that far.

Q Where are your witnesses? A Sam Lynch.

Allen Lynch, being duly sworn by Commissioner Needles, testified as follows:

Mr. Buffington.

Q. What is your name? A. Allen Lynch.

Q. Where do you live? A. I live here in Vinita.

Q. How long have you lived in Vinita? A. Five years I believe.

Q. Are you a citizen? A. Yes, sir.

Q. On the 1st of May? A. Yes, sir.

Q. Do you know the applicant in this case? A.

Yes, sir.

Q. How long have you known him? A. Known him ever since he was born.

Q. Where does he live? A. He lives in Vinita now.

Q. How many years has he lived in Vinita? A. I don't know, I can't

tell you how long he has lived here, he was here before I came here.

Q. How long have you lived here? A. I been here five years.

Q. Where did you know Ab Buffington first? A. I knowed Ab

Buffington ever since he was Ab Buffington.

Q. Where was he first Ab Buffington? A. Up near above on Beauty's

Prairie.

Q. Well, at what point in the Cherokee Nation? A. Yes, sir.

Q. Who was his father? A. Bill Buffington.

Q. Who was his mother? A. His mother was, I can't call her name,

but she used to belong to McLaughlin.

Q. You don't remember her name? A. I know her name if I could

just think of it, she used to belong to McLaughlin.

Q. Do you know who Ab's father belonged to? A. Yes, sir, he used

to belong to Kooly's stepmother.

Q. What was her name? A. Mrs. Bell; they used to call her

Mrs. Buffington.

Q. She was a Cherokee citizen? A. Yes, sir.

Q. Was the McLaughlin that you spoke of a Cherokee citizen? A. Yes, sir.

Q. Was Ab's father and mother married or did they live together as

man and wife? A. They lived together as man and wife, yes, sir.

Q. When? A. Well, when first came down here they were living

together as man and wife.

Q. Where was that? A. I came down here in 1865 and they were

here and they were living together as man and wife.

Q. Where was the boy Ab at that time? A. Well, he had two or

three children, they had that child with them, I can't tell you

whether it was Ab or Bill or somebody else, they were there, they

all were there, they had some children.

Q. Has Ab any brothers and sisters? A. I think he has two or three.

Q. What are their names? A. Bill, and had a girl, I can't remember

what her name was.

Q. Do you know whether she is single or married? A. No, sir, she

was single when I used to know her.

Q. Do you know whether this man Buffington, Ab's father and mother,

either of them went out of the Cherokee Nation or not, of your own

knowledge, or do you know about that? A. Well, we left old Uncle

Bill and his wife here when we went away and when we come back he

was there, I don't know whether he went out or not.

Q. Then did you go away? A. I went away in 1863, I believe, and I

came back here in February, 1866, and he was here when I came back.

Q. Where was he living when you went away? A. Living at Mrs. Buf-

ington's or Mrs. Bell's.

Q. Where was he living when you came back? A. If I don't mistake

he was living right at them or a mile or two this side of them.

Q. Where was that? A. That is on — I forget the place, but he was

up there on what we called Beauty's Prairie.

Q. Do you know how many children they had altogether? A. When we

came back, no, sir, I don't.

Q. Do you know whether any other children were born after that or

not? A. After we came down, yes, sir, I think two or three, I can't

tell you exactly.

Q. Can you remember their names? A. No, sir, I can't tell you the

names.

Q. Do you know whether they were boys or girls or how about that?

I think he had three boys and seems to me like he had two



Ab Buffington - 3.

girls, I will not be sure, I think he had one girl and two boys, but I don't know how many he did have because I didn't visit him very much; I knew him all right.

By L. B. Bell, Cherokee attorney: All, how far did you live from Bill Buffington in 1862 when you left here? A From old man Bill Buffington, on Beatty's Prairie?

Q You know where he lived? A I didn't live far from Buffington, that Bill Buffington, I didn't live more than about six or eight miles.

Q In 1862? A When we went out of here he lived over here on Cabin Creek and we lived over on Grand River, that wasn't his father.

Q Well, we are talking about Ab's daddy now? A Well Ab's daddy lived up at Beatty's Prairie and we lived thirty miles this side.

Q You say that Bill Buffington was up there about Beatty's Prairie when you left here; how do you know that? A When I came there from McCullough's army I came right up there and I saw Uncle Bill there, when I ran away from McCullough's army on that little prairie close to Mayeville, and when I passed I passed old uncle Bill there, that is how I know he was there, I stayed part of the night with him.

Q Where did you run away from the army at? A I run away from the army on, I can't tell you the prairie, I can tell you the man I was working for; they had camped on, what do they call that prairie? I was working for Capt. Kelly, I was hired to him, old Kelly's brother was a captain in the Rebel Army and I was waiting on him, and I left them there and when I come on down coming to Grand River I come on to Bill's and stayed part of the night.

Q What was in 1862? A Yes, sir, just before the Pea Ridge fight.

Q Well, where was Bill living? A He was living right then with the old lady on the old Buffington place to my best knowledge, he was right there.

Q Now I will begin again with you; where was Bill living in 1862 when you left this country, when you ran away from the country?

Q Well I am telling you just where I found him; there is where we left him and when I come back he was here, I tell you just how it was.

Q You ran away from here in July or August, 1862, somewhere along there? A No, I came down on Grand River and when I got down to Grand River Jim Bell took me and Crap and Spence and carried us to Fort Smith, that was just after the Pea Ridge fight.

Q Come down to where we are at; I want to know where you were at in 1862, in August? A In August, well I went to Kansas.

Q Where were you at before you started to Kansas? A I was down on Grand River.

Q Where at? A Down there on what was called the Brice Adair place.

Q How far from that salt lick, from the old Saline salt works?

A Must be five or six miles.

Q Down the river? A Down the river.

Q There is where you started from for Kansas, is it? A I started for Kansas from here.

Q That is the time I want to get at; about then where was Bill Buffington living, the old man we are talking about? A I can tell you the last time I seen him, I seen him at the old lady's house, I can't tell you, he might have been in Texas for all I know.

Q How many children did he have there with his wife when you stopped and stayed with him when you ran away from McCullough's army?

A Well Mr. Bell, I can't really tell you, he might have had three or four, he might have had only two.

Q Come as near as you can? A I can't tell you, I knowed ~~the~~ the folks and stopped there and stayed part of the night.

Q That was about in 1862? A '62, it was in the winter; I know it was in the winter because I went down to Fort Smith, and I left them there and come back here, me and Crap, and in the summer when

Ab Buffington - 4.

is when the northern troops came down.

Q You state that you left McCullough's army just a little before the battle of Pea Ridge, or Ekhorn? A Yes, sir.

Q You came then directly to Beatty's Prairie and stayed all night with William Buffington? A With old Bill Buffington, yes sir.

Q Then you went from there you say here on Grand River? A On Grand River, yes, sir.

Q That is the time we are talking about; and you say at that time he had two children or more; you can't tell how many more?

A I don't remember how many he had; I wouldn't say he had ever one to my certain knowledge.

Q You have begun with three and you have got down to one? A I am saying I don't know how many he did have.

Q As a matter of fact did he have a one? A Yes, sir, I know he had one or maybe had two, he might have had three, I didn't pay no attention to them.

Q And then you just suppose that he was up there when you went to Kansas; you don't have any certain knowledge that you left him there? A When I went to Kansas I can't say he was there, no, sir.

Q When you returned and found him in '88 where did you find him? A I found old Uncle Bill, let me see where was the first place

I seen him; I seen old Uncle Bill on Beatty's Prairie, I don't know just exactly what place I saw him; I can't remember just where I first saw him when I saw him in 1868, but I think it was on the Ward, not far from one of them Ward places, this side of Mayesville; me and McGrary went up there and there is where I saw him.

Q What time in 1868 was that? A I can't tell you, it was either in October or September, I went up there to work on the old Taylor place, I can't tell you exactly, it was along that time we went up there and old Uncle Bill was up there.

Q In September or October of 1868? A Something along in those months, I can't just tell you what day of the month.

Q How many children did he have then? A I don't know, I can't tell you.

Q Were you not at his house? A Yes, sir, but I can't tell you exactly how many children he had.

Q Did he have one or two or two or three children? A To my recollection he had two or three children.

Q Well you have stated that you knew Ab from the day he was born? A Well, I am stating about the family.

Q That would necessarily almost follow that you knew the family? A Yes, sir, I knew the family.

Q And how many children did he have when you saw him in 1868; he only had two in 1868? A To my best recollection I think he had three children, maybe four, I don't know, I have done forgot.

Q Did you see old Bill Buffington at all in 1866, anywhere or any place? A Yes, I saw old Bill Buffington, yes sir, I did, I talked with him and was with him.

Q Who was there with him at his place in 1866? A When I saw him, why the family was there, just his family and me and old man McGrary.

Q Was his wife there? A Yes, sir, his wife was there.

Q And his children were there? A Yes, sir, she was there and he had some children there.

Q Who was his wife? A It was this McLaughlin woman, I know her well but it had slipped out of my recollection who she was, but she was there and had these children.

Q Who did she belong to? A Well, I think she belonged to Andy McLaughlin, if I don't mistake; she belonged to one of them McLaughlins. I will not be certain which one she belonged to; I can't tell you who her owner was, she was the niece or the sister of Dr. Will's wife.

Q How long did Bill live by Beatty's Prairie after you knew him there in 1868? A Well, I don't know, it seems to me, if I recollect right, he might have the next year or the next year after that moved down on Grand River, then he left there and I don't know where he



Ab Buffington - 5.

went to.

Q Left where? A Left from Grand River, I don't know where he was, he went up with Hill Thompson.

Q You were over there about a month or two? A I stayed up there six or eight months, I went to Missouri from there; I can't tell you just exactly, it is a long time and a man can't recollect all these things.

Q I see your recollection is bad at particular instances? A Put anything particular to me and I might tell you.

Q Didn't Bill move up to Kansas after you came down here? A Well if he did I don't know it.

Q You don't know at all that he ever went back to Kansas after '65? A Yes, sir, I know he went back to Kansas.

Q Well, that is what I asked you, if he didn't move up to Kansas? A I don't know whether he moved up, but I know he went there.

Q When did he go? A I can't tell you just exactly when he went but he had a son called Dan and Dan was at Oswego and he wrote for the old man to come after him and the old man went after him, but just exactly the time when he went I can't tell you; while he was up there Dan died and the old man came back, and I can't tell you when he came back.

Q When did the old man settle down here on the river, if at all? A He stopped down here.

Q Did he ever take up any residence? A I don't know whether he did or not, that is out of my recollection, I don't know whether he ever made a farm, I don't believe he ever made any farm to my knowledge, but lived with Jack Davis and Joe Thompson and Dick Martin; I don't know whether he ever made him a farm or not.

Anderson Lynch, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Your name is Anderson Lynch? A Yes, sir.

Mr. Smith: Where do you live? A On Grand River.

Q How old are you? A I am about 84.

Q How long have you lived in Grand River? A Been living there all my life, raised up there.

Q Do you know this applicant in this case, Ab Buffington? A Yes, sir, I know him.

Q How long have you known him? A I have been knowing him ever since he was a little bit of a thing.

Q Where has he been all the time since you have known him? A I saw him after he left his father, I would come here and see him once in a while I was in Vinita.

Q About how many years old would you judge him to be and about how old was he when you first knew him? A I don't know, I can't tell exactly.

Q You can state whether he was a little bit of a boy or a big boy? A He was a good size boy, running all about when I brought them down here.

Q Did you know his father? A Yes, sir.

Q Who was his father? A Bill Buffington.

Q Who was his mother? A His mother was -- I disremember her name now; I know her name well, but it has just got out of my mind.

Q Would you know it if you were to hear it called? A Yes, sir.

Q Was it Lizzie? A Yes, sir, Lizzie, that was her name.

Q Do you know whether Bill Buffington was out of the Cherokee Nation or not during the war? A He must have; when I saw him last known him he was at Mound City with his brother Bill.

Q Where is Mound City? A It is up in Kansas on Big Sugar they call it.

Q And when did you know him? A That was in 1866, winter of 1866 I think.

Q Do you know when Bill Buffington came back, if he ever came back, to the Cherokee Nation? A Yes, sir.

Q Well, when did he come back? A He came back just a while before

Ab Buffington - 8.

Christmas, old man Steve came down in 1866 and he came down and got me to haul a load down for him that winter, and just before Christmas we came back here.

Q What Christmas? A That was Christmas of '66 I think.

Q Who was that got you to haul a load? A That was Uncle Steve, Bill Buffington's brother.

Q Well, anybody come back with you at that time? A Well, it was just them, old Uncle Steve had two stepchildren, they were along, they were coming back with us, and old Uncle Bill's woman, and I think she had two children with her, he didn't have nothing but just his things, they had picked him up about Maysville and Steve went and got him and hauled him up to his house.

Q Then what became of him? A After he hired me to go back I run onto them and he loaded his things in and came with them.

Q Who came with you? A Uncle Bill Buffington, and came back here on the river.

Q Where did you come back to when you came to the Cherokee Nation, what river did you come back to? A Grand River, here across the river, I hauled them over on the Lynch place and he then moved and started out and went to Beatty's Prairie.

Q That was Bill Buffington and his woman? A Yes, sir.

Q And how many children? A There was two children, one they called Abstance, and I disremember the other one's name, I think one they called Bill.

Q Where did you leave them when you brought them back? A I left them right where by Sam Wards in a little log cabin that they were putting up this side of Maysville, I expect you know where it is.

Q Go ahead now and tell what you know; at what place this side of Maysville did you leave them? A It was close to where Sam Ward had a mill on this side of Maysville.

Q Do you know where Bill Buffington died? A He died down here to Jack Davis'.

Q Where is that? A That is across by Cabin Creek.

Q When did he die? A I don't know sir just exactly.

Q Can you tell about how many years ago it has been? A It might have been maybe six or seven years, I don't know just exactly, it hasn't been so powerfully long.

Mr. Bell: You don't know anything about when Bill Buffington went to Kansas? A No, sir, I don't know when he went.

Q You hadn't seen him for a long time prior to '68 when you went off to Kansas? A No, sir, I didn't see him till '66, he was with Uncle Steve when I run onto him.

Q All you know about his whereabouts is what you have seen after you found him at Mound City? A Yes, sir.

Q What time did you leave your place down here and go up in Kansas for Steve's family? A Just about frost was beginning to fall, I can't tell you exactly what time, it wasn't quite time to gather corn, and they come back and helped me to gather my corn after we got back, it was near about Christmas when we got back.

Q You say you went after Steve and Bill come along with you?

A Yes, sir.

Q Did he come with you to your place on Cabin Creek here? A He went with me over there to the Lynch's place.

Q The Lynch place across the river? A Yes, sir, and Steve went on the old place they used to live on and Uncle Bill went on up to Maysville and got me to fetch a load for him up there to Sam Wards.

Q Who was it helped you gather your corn; I thought you said he helped you gather the corn? A Both helped me and I hauled a load for him up there, right in there by Sam Wards' Mill; I am not acquainted muchin there.

Q Where was this corn gathered at? A It was gathered over there on the Lynch place.

Q How long was he gone up to Beatty's Prairie before he came back down here? A I don't know sir just exactly, I never kept track of

Ab Buffington - 7:

if, I know he was up there a good while before he came back here, and him and his wife were split up when he came back.

Q Where did you see this boy, at Mound City? A Yes, sir; one they called Abetance and one they called Bill if I am not mistaken, they was just two boys of them with them.

Q He had two boys when you seen him at Mound City? A Yes, sir, two boys.

Q Well Ab says he is the oldest, I reckon he knows? A Yes, sir, I guess so.

Q How large was Ab when you saw him at Mound City? A He wasn't a bit over that high (indicating.)

Q Not over four or five years old? A No, sir.

Commissioner: Ab Buffington applies for the enrollment of himself. His name is not found upon the authenticated roll of 1880, the census roll of 1896, or the Kerns-Clifton payroll, but he is identified upon what is known as the Wallace roll. He makes satisfactory proof as to his residence, but by reason of the fact that his name is not found upon the authenticated roll of 1880, and the further facts as set forth in the testimony, said Ab Buffington will be listed for enrollment as a Cherokee Freedman upon a doubtful card, for the further consideration of the Commission. He will be notified by mail of the conclusion of the Commission when arrived at, in his case.

\*\*\*\*\*

Bruce O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 23rd of May, 1901.

Commissioner.

The undersigned, being duly sworn, says as stenographer to the Commission to the Five Civilized Tribes that the above and foregoing is a true and correct copy of the original.

Subscribed and sworn to before me this 22nd day of July, 1901.

  
Commissioner.

8  
F.D.79.  

---

INDIAN TERRITORY,  
CHEROKEE NATION.

I hereby certify that I served the with-  
in notice on.....

by delivering a true copy thereof on the  
.....day of..... A. D. 1901.

Given under my hand this.....  
day..... A. D. 1901.

.....  
Marshal for Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the  
13 day of Sept 1901.

*J. M. Patterson*  
Attorney for applicant.

UNITED STATES OF AMERICA, } s. s.  
INDIAN TERRITORY, }  
NORTHERN DISTRICT.

I do solemnly swear that I delivered a  
true copy of the within notice to.....

.....  
on the.....day of..... A.D. 1901

Subscribed and sworn to before me  
this.....day of..... A. D. 1901.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED  
SEP 16 1901

*[Signature]*  
ACTING CHAIRMAN.

# NOTICE!

IN THE MATTER OF The application of ~~Mary Hamitte~~  
for enrollment as a Cherokee Freedman:

Case No. F. D. 79

To ~~Mary Hamitte or S. M. Ruthford~~

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory*, on the following dates, to-wit: *Oct. 14th at 8 o'clock A. M.* A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this *SEP 10th* day of *1901*, 1901.

*L B Bell*

*Attorneys for the Cherokee Nation.*









Department of the Interior,  
Commission to the Five Civilized Tribes,  
Washington, D. C., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

Mr. Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Maria Whitner, Trustee for the Freedmen, vs. The Cherokee Nation, No. 17309, filed in the Mariah Hayden case, F. D. 498, a part of the record in this case and the reason hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

In Mariah Hayden, F. D. 498.

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court of the Northern District of Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the paper of or all of the record other than the decree already referred to



in the case of Moses Whitlire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the Judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Renter,  
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

*E. C. Bagwell*

Subscribed and sworn to before me this July 29, 1902.

*P. G. Renter*  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ab Buffington et al.  
for enrollment as Cherokee Freedmen, consolidating the applications  
of

Ab Buffington,.....Cherokee Freedmen D 374  
William Buffington,....." " D 375

D E C I S I O N .

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Ab Buffington for himself and by William Buffington for himself.

The evidence shows that the applicants were born since 1866 and are the sons of William Buffington, deceased, who was the slave of a Cherokee citizen at the commencement of the rebellion; that the said William Buffington, now deceased, went to Kansas during the rebellion, but returned to and established his residence in the Cherokee Nation within the time specified, in the decree of the Court of Claims, rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation et al., for the return of Freedmen to said Nation.

The evidence further shows that all of the applicants herein have resided in the Cherokee Nation since birth.

It is, therefore, the opinion of this Commission that Ab Buffington and William Buffington should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,  
this \_\_\_\_\_

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ab Buffington et al.  
for enrollment as Cherokee Freedmen, consolidating the applications  
of

Ab Buffington,..... Cherokee Freedmen D 374  
William Buffington,..... " " D 375

DECISION.

The record herein shows that applications for enrollment,  
as Cherokee Freedmen, were made to this Commission by Ab Buffington  
for himself and by William Buffington for himself.

The evidence shows that the applicants were born since  
1866 and are the sons of William Buffington, deceased, who was the  
slave of a Cherokee citizen at the commencement of the rebellion;  
that the said William Buffington, now deceased, went to Kansas dur-  
ing the rebellion, but returned to and established his residence in  
the Cherokee Nation within the time specified, in the decree of the  
Court of Claims, rendered on February 3, 1896, in the case of Moses  
Whitmire, trustee, etc., vs. The Cherokee Nation et al., for the  
return of Freedmen to said Nation.

The evidence further shows that all of the applicants here-  
in have resided in the Cherokee Nation since birth.

It is, therefore, the opinion of this Commission that  
Ab Buffington and William Buffington should be enrolled as Cherokee  
Freedmen, in accordance with the provisions of section twenty-one  
of the act of Congress, approved June 28, 1896 (50 Stats., 495),  
and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

\_\_\_\_\_  
Chairman.

\_\_\_\_\_  
Commissioner.

*L. R. Buckner*  
\_\_\_\_\_  
Commissioner.

*W. E. Hawley*  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,  
this FEB 24 1905

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS.

-----

In the matter of the application for the enrollment of  
Ab Buffington et al., as Cherokee Freedmen, consolidated  
applications of:

Ab Buffington,  
William Buffington,  
Mary Hemitte,

Cherokee Freedmen D-374,  
Cherokee Freedmen D-375,  
Cherokee Freedmen D-379.

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Ab Buffington for himself; by William Buffington for himself, and by Mary Hemitte for herself.

The evidence shows that the applicant, Ab Buffington, was born about the time of the commencement of the Rebellion, and that the other applicants herein have been born since that time and that they are the children of William and Lizzie Buffington. That the said William and Lizzie Buffington were the slaves of Cherokee citizens at the commencement of the Rebellion, and were residing in the Cherokee Nation during the time specified in the decree of the Court of Claims, rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the acquisition of freedmen rights in the Cherokee Nation.

It further appears that the applicant, Ab Buffington, was residing in the Cherokee Nation with his parents during the time necessary for the acquisition of freedmen rights under the decree of the Court of Claims mentioned, supra. The other applicants herein have resided in the Cherokee Nation since birth.

It is, therefore, the opinion of this Commission that Ab Buffington, William Buffington and Mary Hemitte should be enrolled as Cherokee Freedmen, in accordance with the act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

\_\_\_\_\_  
Chairman.

\_\_\_\_\_  
Commissioner.

\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

this \_\_\_\_\_

97m

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Hemitte et al., as Cherokee Freedmen, consolidating the applications of--

Mary Hemitte,  
Ab Buffington,  
William Buffington,

Cherokee Freedman D- 79,  
Cherokee Freedman D 374,  
Cherokee Freedman D 375.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Mary Hemitte for herself; by Ab Buffington for himself; and by William Buffington for himself.

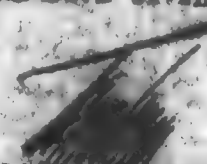
The evidence herein shows that the applicants were born since the commencement of the rebellion, that they are the children of William and Lissie Buffington, and possess no rights to enrollment other than as descendants of their said parents; that the said William and Lissie Buffington were the slaves of Cherokee citizens at the commencement of the rebellion; that they were taken from the Cherokee Nation during said rebellion, and that neither they nor any of the applicants herein returned thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitwire, trustee, etc., vs. the Cherokee Nation, and, except that the names of Ab and William Buffington appear upon the Wallace roll, none of the applicants herein can be identified on any roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that

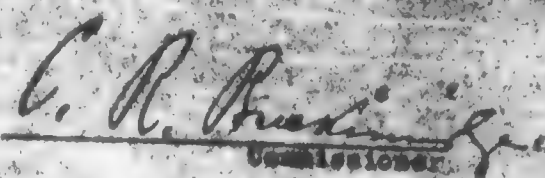


the applications for the enrollment of Mary Hemmick, Ab Burrington, and William Burrington as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 20, 1906 (34 Stat., 426), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman

  
Commissioner

  
Commissioner

Dated at Muskogee, Indian Territory,

this FEB 24 1905

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Kemitte,  
et al., as Cherokee Freedmen, consolidating the applications of ----

Mary Kemitte,  
Ab Buffington,  
William Buffington

Cherokee Freedman D. 79,  
Cherokee Freedman D. 80,  
Cherokee Freedman D. 85.

MOTION FOR REHEARING.

Comes now the applicants and move the Department to grant them  
a rehearing in this case in order that they may prove that the ances-  
tors through whom they claim, William and Lizzie Buffington, returned  
to the Cherokee Nation after the close of the Civil War and established  
their residence therein prior to February 11, 1867.

We respectfully ask for twenty days time within which to file  
affidavits in support of this Motion.

Respectfully,

Harry V. Pullen

ATTORNEYS FOR APPLICANTS.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for a rehearing of the application for the enrollment of Mary Hemitte, et al., as Cherokee freedmen, consolidating the applications of

Mary Hemitte  
Ab Buffington  
William Buffington

Cherokee Freedmen D 79,  
Cherokee Freedmen D 374,  
Cherokee Freedmen D 375.

Reply of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully moves the Commission to dismiss said motion for rehearing for the reasons that: .

First, it is not sworn to.

Second, there are no affidavits attached and under the ruling of the Department in the case of Gelia Kirkpatrick (I.T.D. 7744 and 7514-1904) on January 19, 1905, the Department held, it was required that the motion be supported by affidavits as follows:

"The Department does not feel warranted in remanding the case upon the motion of said attorneys unsupported by the affidavits of the witnesses whose testimony they desire to introduce."

In the case of Moore versus Larney, Creek No. 49, it was held:

"A motion for a rehearing based on newly discovered evidence should be supported by the affidavits of the witnesses who will testify to the alleged newly discovered facts, or the reasons given for their non-production." citing 11 L. D. 618; 1s L. D. 265.

Third, there are no reasons why the motion should be allowed.

The motion is not sworn to and the affidavits of no witnesses are given and the names of none are mentioned in the motion; it is not attempted to be sworn to by the attorneys for the applicants, nor by either of the applicants themselves. We respectfully submit that the same should be denied.

Respectfully submitted,

*M. W. Hastings*

Attorney for the Cherokee Nation.

*Service accepted this July 26, 1906,*

*Starr & Patten*  
*Attorneys for applicants.*

Copy

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Mary Hemitte et al., as Cherokee Freedmen, consolidating the applications of--

Mary Hemitte,	Cherokee Freedman D	79.
Ab Buffington	"	D 374.
William Buffington	"	D 375.

-----  
AMENDED MOTION FOR REHEARING.

Comes now the applicants Ab Buffington and William Buffington and ask leave to file this their amended motion for rehearing.

The record shows that applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Mary Hemitte for herself; by Ab Buffington for himself; and by William Buffington for himself.

The records shows, and the Commission and the Commissioner of Indian Affairs so found, that the applicants were born since the commencement of the rebellion, that they are the children of William and Lizzie Buffington, and possess no rights to enrollment other than as descendants of their said parents; that the said William and Lizzie Buffington were the slaves of Cherokee Citizens at the commencement of the rebellion. This much of the record is admitted by all parties and there is no dispute as to same.

The Commission found that William and Lizzie Buffington were taken from the Cherokee Nation during the rebellion and that neither they nor any of the applicants herein returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3 1895, in the case of Moses Whitwire, Trustee and Vs the Cherokee Nation.

At a rehearing of this case the applicants Ab Buffington and William Buffington expect to prove by reputable witnesses that during the Civil War William Buffington remained in the Cherokee Nation near Mayville, Arkansas where he was residing with his family when the war closed and

where he resided during the entire year of 1866 and 1867 and for a number of years thereafter until he moved onto Grand river where he continued to reside until his death and that the applicants herein have resided in the Cherokee Nation all of their lives.

We expect to prove by the newly discovered testimony that we have that prior to February 11th 1867 that William Buffington had never left the Cherokee Nation; that his only trip out of the Cherokee Nation, if he ever made a trip was that he went up to Kansas in the Fall of 1867 on a visit and was gone for about a couple of months and returned and that during his absence his wife Lizzie remained in the Cherokee Nation and kept house while he was gone and that during said trip, if he made one he never took any of his effects with him and only went on a visit.

We ask that the Honorable Commissioner to the Five Civilized Tribes examine the records of the Daniels court (Supreme Court of the Cherokee Nation 1871) and state whether or not the names of William and Lizzie Buffington or either of them appear upon the docket of said court. (There is a William H Buffington at Lenape I T which is not the ancestor of these applicants)

The affidavits appended hereto show the proof we expect to offer in this case if a rehearing is granted to us. The witnesses, James M. Little, Stand W Suagee, Henry J Smith, Mary J Yeargain Margaret Smith Sarah F Smith, Saphronia Milligan, T Cawood, John J Smith and W H Stover are all prominent citizens of the country in which they live and are all people of high standing and of the highest integrity; they are all either Cherokees by blood or white people; nearly all of them citizens of the Cherokee Nation with perhaps the exception of T Cawood whom we understand to be a prominent citizen of Arkansas and a merchant at Fayetteville, Arkansas.

A number of other people expressed a willingness to make affidavits in this case but we believed these sufficient and did not get any more. We made investigation at Fayetteville and find that Buffington never lived there or about the Emerson place but was only up there on a visit in August and September 1867.

It will be observed the Mrs Josephine Hammon testified in this case and her testimony only shows that she had a faint recollection of William Buffington, does not remember his wives name—a good reason why she does



not is because the wife was never up there and she never became acquainted with Lizzie Buffington.

One of the Attorneys for applicants called on Mrs Humiston at one time and asked her to point out the location where Buffington lived and she was then unable to do so and then only remembered him visiting Stephen Lynch and while on that visit or working for her husband.

The testimony of Mrs Humiston plainly shows that she is testifying solely from the book account and not because she has any independent recollection of William Buffington and her former husband Emerson was such a close bookkeeper and kept such items as even the change of the weather and whether it was cloudy or clear in his records and if William Buffington had been on his place one crop season as Mrs Humiston tries to claim, her husband would have had an accurate record of what Buffington did each day and the record of Mrs Humiston only corroborates her witnesses when they say that if William Buffington ever left the Cherokee Nation during the year of 1867 it was only for a very short time and only on a visit as he did not take any of his household goods with him.

We are convinced that this is a meritorious case and therefore earnestly ask that this cause be remanded to the Honorable Commissioner to the Five Civilized Tribes for rehearing in order that no injustice will be done these applicants.

Respectfully Submitted,

*Stearns & Patton*  
Attorneys for Applicants.

1

AFFIDAVIT IN SUPPORT OF MOTION FOR REHEARING, BY ONE OF THE PRINCIPAL APPLICANTS.

UNITED STATES OF AMERICA,

INDIAN TERRITORY, SS.

NORTHERN DISTRICT.

BE IT REMEMBERED that, on this day personally appeared before me, the undersigned Notary Public within and for the Northern District of the Indian Territory, duly commissioned and acting as such, Ab Buffington, of lawful age, who, being first duly sworn, on his oath deposes and says: My name is Ab Buffington, my age is 41 years, and my post office is Hamlet, Indian Territory. I am one of the principal applicants in this case and I make this motion in good faith and not for the purposes of delay, but in order that justice might be done me. At the former trial of this case I produced all the testimony that I was able to procure after spending much time in search for the same. I made inquiry of the people whom I believed would know about the facts and circumstances connected with my case, and after much inquiry and diligent search, and after visiting a great number of people I was unable to find any more testimony than that produced at the former trial. After my case was tried I continued my efforts and have, since the decision in said case, discovered the testimony of the persons whose affidavits I have filed in support of my motion for a rehearing. This testimony is newly discovered and could not have been produced by due diligence at the former trial because I was diligent and made diligent search and diligent inquiry of my neighbors and people all thought ought to know about my case and was unable to procure the testimony, but after continued search and continued inquiry I have been able to procure the testimony in this case, to discover this testimony and now ask that I be granted a rehearing in this case that I may introduce that testimony and that I may have discovered testimony.

Witness my hand  
Ab Buffington  
Carol Moore  
Subscribed and sworn to before me this 15 day of October, 1906.

(Seal)

Notary of years, 1906

Notary Public

Commission Expires Dec. 4, 1908.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

NORTHERN DISTRICT, SS

It is hereby certified that after the Cherokee Nation after  
Personally appeared before me the undersigned, a Notary

Public Clerk and for the purpose of recording the same,  
Gerrit, and accordingly and the same being of the Indian  
Territory, V. H. Tucker, the being by an only done upon his  
oath signed and sworn

V. H. Tucker.

My name is Gerrit Tucker, an agent of the  
office to Cherokee, Indian Territory. I am a resident of the  
Cherokee Nation by blood, and I have known William Tucker, the  
father of Mr. Tucker, and the other applicants during his  
lifetime. I was born and raised in the Cherokee Nation and I  
know William Tucker before the war. He carried one of my  
father's negro women slaves. Before the war William Tucker  
lived in the Cherokee nation in the neighborhood of Mayville,  
Arkansas, and so did I. About the second year of the war I left  
that community and when I left Mr. William Tucker was still  
living there. After the war I came back to this same neighbor-  
hood, near Mayville, to the best of my recollection in the  
fall of 1865 and when I came back I saw Mr. William Tucker  
still living in the same neighborhood in which we left him when  
we left. I first saw him again in the spring of 1866 and spring  
of 1867 when I came back here after the war. I have often heard  
the old man tell, at that time that he stayed there all through  
the war and never left and how he did when things got sorry.  
I lived in that same neighborhood continuously from the close  
of the war until three years ago and I know that the old man  
continued to live there in that same neighborhood in the Cherokee  
Nation for a number of years, until he went off over on some  
river in the Cherokee Nation.

UNITED STATES OF AMERICA,  
STATE OF MICHIGAN,

IN SENATE,  
January 10, 1907.

REPORT OF THE  
COMMISSIONER OF THE LAND OFFICE,  
FOR THE YEAR 1906.

ALBION, MICHIGAN:  
J. W. BROWN, PRINTERS.  
1907.

THE LAND OFFICE OF THE STATE OF MICHIGAN, under the provisions of the act of the Legislature, approved March 2, 1899, and amended, has the honor to submit herewith the report of the Commissioner of the Land Office for the year 1906.

The report is divided into two parts, the first of which contains a general statement of the land resources of the State, and the second part contains a detailed statement of the lands owned by the State, and of the lands which are subject to sale or lease by the State.

The first part of the report contains a general statement of the land resources of the State, and is divided into three sections, the first of which contains a statement of the total area of the State, and the second and third sections contain statements of the area of the State which is under water, and of the area of the State which is under timber.

The second part of the report contains a detailed statement of the lands owned by the State, and of the lands which are subject to sale or lease by the State, and is divided into two sections, the first of which contains a statement of the lands owned by the State, and the second section contains a statement of the lands which are subject to sale or lease by the State.

The report is prepared under the direction of the Commissioner of the Land Office, and is published by the State of Michigan, under the authority of the Legislature.

UNITED STATES OF AMERICA

**SECRET**

DO NOT WRITE IN THESE SPACES

Personally appeared before me the undersigned, a Notary Public within and for the Southern District of New York, and being sworn and having declared that the contents of the foregoing instrument are true and correct, and that the same were signed by the person or persons named therein, I have signed these presents, and my commission, in attestation whereof, I have hereunto set my hand and the seal of my office, at New York, this 1st day of June, 1964.

"My name is John J. Smith, or up to 45 years old by post-office is Fayetteville, Arkansas. I am a cousin of William of the Cherokee Nation, and I knew William Buffington, a colored man, the father of Mr. Buffington and the other defendants, during his lifetime. I knew William Buffington before the war. He lived about 2 1/2 miles from Fayetteville Arkansas on the old Buffington place in the Cherokee Nation. I was in the army during the war and spent most of the time during the war in army service in the Indian Territory. Before the war I lived in this same neighborhood of Fayetteville, Arkansas, and during the war my family were in this same country and I was frequently in this neighborhood during the war. I frequently saw old William Buffington in this neighborhood in the Cherokee Nation during the war, and I would be sure. His children, Mrs. Buffington or Mrs. Mrs. Cherokee continued from her home in the Cherokee Nation after the war but have been going to live about two years, to Fayetteville Ark., and William Buffington's children for her and lived in the farm in the Cherokee Nation. I came back to the Cherokee Nation at Fayetteville, Arkansas in the spring of 1904, and then I came back to my living here then. He continued to live in this same neighborhood in the Cherokee Nation for a number of years after the war, and then he left here to move over about about 1904



[illegible]

United States Of America,  
Indian Territory,  
Northern District. ss.

Personally appeared before me the undersigned a Notary Public within and for the Northern District of the Indian Territory, and acting within said Northern District of Indian Territory, T. Cawood who being by me duly sworn of the following facts and saying that he is a citizen of Arkansas, I have taken the following oath: That the father of Ab. Buffington was a citizen of Arkansas and lived in the Cherokee Nation acquainted with him, and that he continued to live in the Cherokee Nation for quite a while, at least a number of years after the war closed. He was married and had a family and he and his wife and family lived together all the time I knew them in the Cherokee Nation until they separated several years after the war.

T. Cawood  
Notary Public.

Subscribed and sworn to before me this 1st day of October 1907 at Muskogee, Indian Territory.  
(SEAL)  
My Commission expires Oct 5, 1907.  
I have taken the following oath: That the father of Ab. Buffington was a citizen of Arkansas and lived in the Cherokee Nation acquainted with him, and that he continued to live in the Cherokee Nation for quite a while, at least a number of years after the war closed. He was married and had a family and he and his wife and family lived together all the time I knew them in the Cherokee Nation until they separated several years after the war.

[illegible][illegible]

... Charles Linton. I know that he was  
... Charles Linton was at last ...

RECEIVED

Public edition and for the National Archives and Records Administration.

ritary, and noting within each Province District of the Indian

**Territory, Nationality, etc.**

THE UNIVERSITY OF CHICAGO PRESS

10-10-1964

**The Maryland House, 1871: Two Winter Meetings, October**

1. The Bureau of the American Revolution has been established in the Department of the Interior, and is now in the process of organizing and conducting its business.

\_\_\_\_\_

12. The same information I am now providing is being provided to the

Therefore Nation. He was a slave of the American Institution

family. When the war broke out we moved east into Arkansas.

then previous home care, near Nashville, Tennessee.

Now we left William Washington and still living in the Western

On this new Republic in the old Washington place. I returned to

the following notes in the fall of 1946 were the same place as

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[illegible]

DATE: 12/15/1964

From the time I came back to the City of New York, for a number of

There, until he could get on foot, along to the nearest station

**DATE OF INFO: 08-17-69**

William Hoffington told her he stayed here all through the war

and how every thing went, and what he did. At the young lady

THE INFORMATION HEREIN IS NOT TO BE RELEASED FOR A SHORT TIME.

1

THE FIRST OF APRIL.

Not long since, I was to have seen him, and I knew that he never  
would have been so long. I knew that he was  
living in the Western States, and I knew that he was  
here when he was in the Western States, and I knew that he  
was there.

He was in the Western States, and I knew that he was  
there when he was in the Western States, and I knew that he  
was there.

(The) He was in the Western States, and I knew that he was  
there when he was in the Western States, and I knew that he  
was there.

He was in the Western States, and I knew that he was  
there when he was in the Western States, and I knew that he  
was there.

He was in the Western States, and I knew that he was  
there when he was in the Western States, and I knew that he  
was there.

He was in the Western States, and I knew that he was  
there when he was in the Western States, and I knew that he  
was there.

He was in the Western States, and I knew that he was  
there when he was in the Western States, and I knew that he  
was there.

He was in the Western States, and I knew that he was  
there when he was in the Western States, and I knew that he  
was there.

He was in the Western States, and I knew that he was  
there when he was in the Western States, and I knew that he  
was there.

He was in the Western States, and I knew that he was  
there when he was in the Western States, and I knew that he  
was there.

He was in the Western States, and I knew that he was  
there when he was in the Western States, and I knew that he  
was there.

He was in the Western States, and I knew that he was  
there when he was in the Western States, and I knew that he  
was there.

He was in the Western States, and I knew that he was  
there when he was in the Western States, and I knew that he  
was there.

He was in the Western States, and I knew that he was  
there when he was in the Western States, and I knew that he  
was there.

He was in the Western States, and I knew that he was  
there when he was in the Western States, and I knew that he  
was there.

He was in the Western States, and I knew that he was  
there when he was in the Western States, and I knew that he  
was there.

He was in the Western States, and I knew that he was  
there when he was in the Western States, and I knew that he  
was there.

He was in the Western States, and I knew that he was  
there when he was in the Western States, and I knew that he  
was there.



UNITED STATES OF AMERICA,

JOHN WILLIAM BATHINGTON, do hereby certify that  
I have been in the service of the United States  
Army for a number of years  
and in the position of Sergeant Major of the 1st Cavalry  
at Fort Huachuca, Arizona. It is my duty  
to certify that the following is a true and  
correct copy of the original as it appears in my  
files.

Public within and for the Southern District of the Indian Ter-  
ritory, and acting within and for the Southern District of the Indian Ter-  
ritory, with T. Smith, the holding of the same as per  
each person and person.

My name is John F. Smith, my age is 35 years and my resi-  
dence is at Huachuca, Arizona. I am a member of the  
Cherokee Nation, and I have been a member of the  
same since the year 1880 and the other conditions, during  
his lifetime. Before the war I lived in the Cherokee Nation  
near Sapulpa, Oklahoma, and I have been a member of the  
same since I lived about 1 1/2 miles from me. When the war broke  
out we stayed in the station for some time until provisions got  
so scarce we had to move, and we went near Sapulpa, Oklahoma.  
Old William Bathington never left the Cherokee Nation during the  
war, but stayed right here all the time. When he left while the  
war was going on he left him in the Cherokee Nation with his  
family, near Sapulpa, Oklahoma. He never went to near Sapulpa  
Oklahoma in the winter in the spring of 1880, and when we got  
there old William Bathington was still living in the same house  
and in the Cherokee Nation, and the first time we saw him. I  
have lived in the same neighborhood in the Cherokee Nation  
ever since and William Bathington and his family continued to  
live in this same neighborhood in the Cherokee Nation for a  
number of years. Old William Bathington stayed right here and  
did not move for the whole during the war time and the war was  
gone.





UNITED STATES OF AMERICA,

DEPARTMENT OF THE INTERIOR,

BUREAU OF LANDS, WASH., D. C.

Forasmuch as the Cherokee Nation is a sovereign and independent nation, and the public within and over the lands situated in the Indian Territory, and acting within said Cherokee Nation of the Indian Territory, therefore, the land by an only owner on her own property and own.

My name is William B. B. and I am in 18 years, and my first office is in the Cherokee Nation. I am a citizen of the Cherokee Nation, and I have William B. B. a citizen and the father of 12 children and the only children, during the 18 years. I have William B. B. and I have no other in our own neighborhood, and I have, William. I have William B. B. ever since I have my boy. When the war broke out we stayed in the Cherokee Nation for quite a time until government got so scarce that we had to move further East in Arkansas. When we left during the war we left William B. B. ten and his family on the old B. B. B. in the Cherokee Nation. I came back to this neighborhood a number of times during the war and I saw William B. B. several times during the war in the neighborhood in the Cherokee Nation. We moved back to this neighborhood at Fayetteville, Arkansas in the spring of 1864 and when we got back here the William B. B. was still living in the same place or neighborhood in the Cherokee Nation. He moved right here in the Cherokee Nation all of the time and all about for the years during the war when the war was gone. I have lived in this same neighborhood ever since I came back in the spring of 1864 and William B. B. and his family continued to live in this same neighborhood for a number of years after I came back in 1864. It is over into the Nation

1. The first group of people who are not allowed to enter the country are those who are not citizens of the United States.

1990

It could only have been for a short time, for he never returned  
him, and he was never seen again. He was a black man, and he  
moved his efforts out of the country.

\_\_\_\_\_

(S.S.)

[illegible]

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

**Abstract**

84-111-1507



UNITED STATES OF AMERICA,  
NORTH DISTRICT,  
FOREMAN: DEWEY: 25

Personally appearing before me the undersigned, a Justice  
Public within and for the Northern District of the Indian  
Territory, and acting within said Northern District of the  
Indian Territory, Mary J. Yeorgain, who being by me duly sworn  
on her oath deposes and says:

"My name is Mary J. Yeorgain, my age is 55 years and my  
post-office is Mayville, Arkansas. I am a citizen by blood of the  
Cherokee Nation, and I know William Buffington, who is a colored  
man, the father of Mr. Buffington and the other children during  
his lifetime. He was a slave of the Cherokee Nation before the war.  
I know that he lived in the Cherokee Nation before the war.  
When the war broke out I left the Cherokee Nation about the  
second year of the war. When we left the Nation during the second  
year of the war old William Buffington was still living in the  
Cherokee Nation with his family near Mayville, Arkansas.

I came back to the Cherokee Nation with a Mrs. Howell several  
times after we left before the war ended, and I saw, and  
I know that William Buffington and his family were still living  
in the Cherokee Nation all during the war, and did not leave the  
Cherokee Nation during the war. I was married March 4, 1864  
in Arkansas and we came to the Cherokee Nation on a visit about  
the latter part of February 1865 and when I came here on this  
visit the next spring after we were married old William Buffington  
and his family were still living in the Cherokee Nation near  
Mayville, Arkansas. He continued to live in the same neighbor-  
hood in the Cherokee Nation for a number of years after the war.  
If he ever left the Cherokee Nation it could only have been for  
a short time, not long enough for us to find him, but I know  
that he never took his family or effects out of the Cherokee Nation.



1971-72

2000年12月 第10卷第12期

1994-1995

14-00000

RECEIVED  
JAN 10 1964  
U.S. DEPARTMENT OF AGRICULTURE  
WASHINGTON, D.C. 20250

[illegible]

I never met the person in the basement until 1964. The day  
before the day before I left the basement, I met the  
person in the basement. I met the person in the basement.

[illegible]

United States of America, do hereby certify that I have this day sworn  
Indian Territory between one of the members.

Northern District of

On this 11th day of October 1906 personally appeared before me the  
undersigned Notary Public within and for the Northern District of the  
Indian Territory Henry J. Smith of Lawton who being duly sworn on  
his oath says:

My name is Henry J. Smith, my age is fifty-one years and my post office  
is Greer, Indian Territory. During the civil war I lived with my  
parents four miles south of Bentonsville, Arkansas and when the civil  
war closed we returned to our old home place near Mayville Arkansas  
in the Cherokee Nation and when we returned home in 1865 William  
Barrington the father of Ab Barrington and the other applicants now  
then living in the Cherokee Nation near Mayville and he continued to  
live there in the Cherokee Nation continuously for the next fifteen or  
twenty years and until he moved down on Grand river. I never at any  
time missed him from that community. I have no interest in this case and  
am a citizen by blood of the Cherokee Nation.

Henry J. Smith

Subscribed and sworn to before me this 11th day of October 1906.

J. W. Smith

Notary Public.

United States of America,  
Indian Territory,  
Northern District, SS

Be It Remembered that on this 13th day of October 1906 personally appeared before me the undersigned Notary Public within and for the Northern District of the Indian Territory James M. Tittle of Lawful age who being by me duly sworn on his oath deposes and says:

"My Name is James M. Tittle, My age is 58 years and my post office is Vinita Indian Territory. I am a citizen of the Cherokee Nation of Cherokee Blood and am duly and lawfully enrolled as such.

"During the Civil war I served in the Confederate Army under Gener Stan Watis and was in Adair's Second Cherokee Regiment and during the war my home was in Benton County Arkansas about ten miles from Maysville Arkansas. Maysville is located on the line of the Cherokee Nation and the State of Arkansas. In the summer of 1864 we moved into Delaware District about a mile and a half from Maysville in the Cherokee Nation and at the time we moved there we found old man William Buffington a colored man then living in the Cherokee Nation and we lived there for a great many years and during the time we were there we never missed William Buffington from that community. The said Buffington lived between a half mile and three quarters of a mile from us. I remember the applicant Ab Buffington and saw him around with his father right along."

" I have no interest in this case."

James M. Tittle.

Subscribed and sworn to before me this 13th day of October 1906.

O A Smith,  
Notary Public.

Commission Expires,  
Dec. 4th 1909.  
(Copy) Seal.

In the Department of the Interior

In the matter of the application for the enrollment of Mary Hemite  
et al as Cherokee Freedmen.

United States of America,

Indian Territory,

Northern District SS

On this 11th day of October 1906, personally appeared before me the undersigned Notary Public within and for the Northern District of the Indian Territory, Stan W. Snages, of lawful age, and to me personally well known, who being by me duly sworn on his oath deposes and says: "My name is Stan W. Snages, my age is Fifty Nine years and my post office is Coffeyville, Kansas. I am a citizen by blood of the Cherokee Nation and have lived in the Cherokee Nation all of my life. I served in the Southern Army in the Cherokee Regiment under General Stan Watie and was discharged from the Army early in the Spring of the year of 1865 on Red River at the mouth of the River and came on up to Canadian District Cherokee Nation and made a crop that spring and in the fall of the year of 1865 I came on up to Honey Creek in the Cherokee Nation and in the fall of 1865 we did our trading at a store in Arkansas at a place what is now called Mayville. When I moved up to Honey Creek there was a colored man living in the Cherokee Nation by the name of William Buffington. He continued to live in that vicinity continuously for a number of years and finally moved down on Grand river where he continued to live in the Cherokee Nation until his death. I saw William Buffington in the Cherokee Nation frequently during the years of 1866, 1867 and for several years after that and was well acquainted with him. I knew another negro there by the name of Sam Buffington also.

I am about three-fourths blood Cherokee Indian and am duly and lawfully enrolled as such and I have no interest in this case.

Stan W. Snages,-----

(Copy)

Subscribed and sworn to before me this 11th day of October 1906

O. A. Smith  
Notary Public.

Commission Expires  
Dec 4, 1909.



# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

**MUSKOGEE, IND. TER.,**  
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Mary Hemitte  
McLain, I.T.

Cherokee F-D-79  
Register.

TAMS BIXBY,  
T. B. NEEDLES,  
C. R. BRECKINRIDGE,  
Commissioners.



COPY.

Cherokee Freedman  
D-76.

Muskogee, Indian Territory, February 24, 1906.

Mary Hewitt,

Chasotah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision, dated February 21, 1906, rejecting, among others, your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 1-42.  
Register.

(SIGNED).

*Tams Bixby.*  
Chairman.

COPY.

Cherokee Freedman  
B-79 et al.

Muskogee, Indian Territory, February 24, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1908, rejecting the applications for the enrollment of Mary Hemette, Ab and William Buffington, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-30.

(SIGNED) *Tams Birt*  
Chairman.

COPY.

Cherokee Freedmen  
D-79 et al.

Waskagee, Indian Territory, February 24, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Mary Hewitt, Ab and William Buffington, as Cherokee Freedmen, including the Commission's decision, dated February 24, 1906, rejecting said applications.

Respectfully,

(SIGNED) *Tams Bixby* *Chairman*  
Commissioner in Charge.

Encl. 1-41.

Through the  
Commissioner of Indian Affairs.

LAND:  
16838-1908.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

March 9, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 24, 1908, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Mary Hemitte for herself; by Ab Buffington for himself, and by William Buffington for himself.

February 24, 1908, the Commission decided adversely to all the applicants.

The record shows that the applicants were born since 1865; are the children of William and Lizzie Buffington and possess no rights to enrollment other than as descendants of their said parents; that the said William and Lizzie Buffington were the slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during said war, and that neither they nor any of the applicants returned to said Nation on or before February 11, 1867.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very Respectfully,

G. F. Larrabee,  
Acting Commissioner.

MMH (V)

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

JT.Jr.

113

D.O. 20732  
I.T.D. 2376-1905.

May 22, 1906.

L.H.N.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On February 24, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the applications for the enrollment of Mary Kemitte, Ab Buffington, and William Buffington as Cherokee freedmen, including its decision of the same date rejecting said applications.

On September 7, 1905, the attorneys for the applicants in this case filed a motion for review of the decision of the Commission. There appears to be no sufficient reason for the granting of said motion, and it is hereby denied.

Reporting relative to this case March 9, 1905, the acting Commissioner of Indian Affairs recommended that the Commission's decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and the decision of the Commission dated February 24, 1905, is hereby affirmed.

Respectfully,

Jesse M. Wilson,

Assistant Secretary.

1 inclosure.



Cherokee Freedmen

D-79.

Muskogee, Indian Territory, June 5, 1906.

Mary Hemitte,

McLain, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 22, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-18  
LS

Commissioner.

Cherokee Freedmen

D-79, et al.

Muskogee, Indian Territory, June 8, 1906.

Blue & Bulger,

Attorneys for Mary Hemitte, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1906, rejecting the applications for the enrollment of Mary Hemitte, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 22, 1906.

The motion filed by you September 7, 1905, for review in this case, is also denied.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. 8-21  
LS

Commissioner.

Cherokee Freedmen

D-79, et al.

Muskogee, Indian Territory, June 8, 1906.

Bell, Hastings & Davenport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1906, rejecting the applications of Mary Hewitt, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 22, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-22  
LS

Commissioner.

Cherokee Freedmen  
D 79 et al.

Muskogee, Indian Territory, August 31, 1906

Starr & Patten,

Attorneys for Mary Hemitte, et al.

Vinita, Indian Territory.

Gentlemen:

This office is in receipt, on July 19, 1906  
of a motion made by you for a rehearing in the consolidated  
Cherokee Freedmen enrollment case of Mary Hemitte et al.  
D 79, et al.

Said motion will receive the proper consideration  
of this office and be transmitted to the Department  
for action thereon at the earliest practicable date,  
of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

(COPY)

D.C.45022

Vinita, I.T. Oct 13, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,  
Muskegee I T

Dear Sir:

In View of the Departmental decision in the Cherokee Freedmen cases of Jennie Martin et al we request that we be allowed fifteen days additional time in the Cherokee Freedmen cases of Mary Hemitte, Ab Buffington et al in which to prepare a proper amended motion for reconsideration in that case.

Respectfully,

Starr & Patten



Muskogee, Indian Territory, October 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

May 22, 1906 (I.T.D. 2378-1906), the Department affirmed the decision of the Commission to the Five Civilized Tribes dated February 24, 1906, rejecting the applications for the enrollment of Mary Hemitte, Ab Buffington and William Buffington as Cherokee freedmen. July 19, 1906, there was filed with this office the following motion received from Starr & Patten, attorneys for applicants in this case:

"Given now the applicants and move the Department to grant them a rehearing in this case in order that they may prove that the ancestors through whom they claim, William and Lizzie Buffington, returned to the Cherokee Nation after the close of the Civil War and established their residence therein prior to February 11, 1867.

We respectfully ask for twenty days time within which to file affidavits in support of this Motion."

On October 15, 1906, this office received from Starr & Patten the following letter addressed to the Commissioner to the Five Civilized Tribes dated October 13, 1906:

"In View of the Departmental decision in the Cherokee Freedmen cases of Jennie Martin et al we request that we

be allowed fifteen days additional time in the Cherokee Freedmen cases of Mary Boultie, Ab Buffington et al in which to prepare a proper amended motion for reconsideration in that case.

The motion and letter referred to are inclosed herewith for the Department's action on their request to be allowed time within which to file a proper motion for a reconsideration of the Department's decision in this case.

Respectfully,

Incl. N-6  
LS

Commissioner.

Through the

Commissioner of Indian Affairs.

( C O P Y )

D.S. 108125-1906.

J.P. Jr.

DEPARTMENT OF THE INTERIOR,

LES

WASHINGTON.

I.T.D. 21242-1906.

December 13, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On November 5, 1906 (Land 94576), the Indian Office transmitted your report dated October 24, 1906, in the matter of a motion for rehearing and request for time in which to file affidavits in the matter of the application of Mary Smith et al. for enrollment as Cherokee Freedmen.

A motion for rehearing, unsupported by affidavits, was filed with you July 19, 1906.

In said motion attorneys for applicants request twenty days within which to file affidavits in support of said motion.

On October 13, 1906, the attorneys for the applicants requested fifteen days additional, in which to file amended motion in this case, in view of departmental decision in the Jennie Martin case.

It is apparent that a sufficient and reasonable time had elapsed since the filing of the motion for the attorneys for the applicants to have filed the necessary affidavits in support of their motion. No amended motion appears to have been filed since

-2-  
October 12, 1906. The motion for rehearing is denied.

The papers have been sent to the Indian Office for its  
files.

Respectfully,

James H. Wilson  
Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

Yours, to Ind. Aff.

Washington, Indian Territory, December 22, 1906

The Honorable

The Secretary of the Interior

Sir:

Receipt is acknowledged of Departmental letter of December 18, 1906 (I.T. L. 22222-1906), denying a motion for rehearing and request for time in which to file affidavits in the matter of the application of Mary Hamilton et al., for enrollment as Cherokee Freedmen. The Department states that the motion for rehearing, unsupported by affidavits, was filed with the Commissioner to the Five Civilized Tribes on July 19, 1906, and in said motion Attorneys for applicants requested twenty days within which to file affidavits in support of their motion, and on October 15, 1906, Attorneys for applicants requested fifteen days additional time in which to file an amended motion, and that it appears that a sufficient and reasonable time



Secretary-3

has elapsed since the filing of the motion for the attorneys to have filed the necessary affidavits in support of their motion, and that no amended motion appears to have been filed since October 15, 1906.

This office is now in receipt of a letter from the attorneys filing the motion referred to, dated December 15, received December 18, 1906, forwarding an "amended motion for rehearing", supported by affidavits. Said motion and the affidavits attached are enclosed for such action as the Department desires to take.

In the motion the attorneys request that the Commissioner advise the Department whether or not William and Lizzie Buffington, the ancestors through whom the applicants in this case claim the right to enrollment as Cherokee freedmen, were parties to a case decided by the Supreme Court of the Cherokee Nation in 1891. The Record of said Court does not contain the names of said William and Lizzie Buffington.

In connection with this case the Department's attention is called to the enclosed motion for a rehear-

Secretary-3

ing of the Cherokee Freedmen case of Dorso Buffington, which motion was received with a letter of the same attorneys filing the motion in the Hemitt case, dated December 15, received December 19, 1904.

The Commissioner to the Five Civilized Tribes on November 27, 1904, rejected the application of said Dorso Buffington for enrollment as a Cherokee Freedman, and the decision, together with the record of proceedings had in the case, was forwarded to the Department on November 27, 1904. Dorso Buffington claims to be a brother of the principal applicants in the Hemitt case, and bases his claim for a rehearing of his case upon the showing made in the Hemitt case.

In order to protect whatever rights the applicants in the Hemitt case may have, the records of this office are made to show that their claims to Cherokee citizenship have not been finally determined.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner

Encl. B-1

Muskogee, Indian Territory, December 21, 1906

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed a copy of Department's decision of December 12, 1906, denying the motion filed by attorneys for the applicants, for a rehearing in the Cherokee freedom case of Mary Hamitte et al.

Respectfully,

Encl. No. 3

Acting Commissioner

Muskogee, Indian Territory, December 21, 1906

Starr & Patton,

Attorneys for Mary Hamitte, et al.

Vinita, Indian Territory.

Gentlemen:

There is enclosed a copy of Department's decision of December 12, 1906, denying your motion for a rehearing of the Cherokee Freedmen enrollment case of Mary Hamitte et al. You have been verbally informed of the status of the case.

Respectfully,

L M B

Encl. 3-2

Acting Commissioner

UNIT

Land  
188000-1900,  
112000-1900.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

January 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Receiving to Departmental letter of December 12, 1906 (L. I. B. 22200-1906), advising a notice for a rehearing in the matter of the application of Mary Hemette, et al., for enrollment as Cherokee Freedmen, I have the honor to transmit herewith a communication from the Acting Commissioner to the Five Civilized Tribes, dated December 21, 1906, enclosing an amended notice for a rehearing, supported by affidavits, filed in the Office of the Commissioner on December 19, 1906.

The amended notice for a rehearing is based upon the ground of newly discovered evidence, and is supported by affidavits of Ab Buffington, one of the applicants, tending to show that diligent search was made prior to original hearing for the evidence now sought to be introduced, and that he was unable to discover it in time to be used at that hearing. The affidavits in support of the notice are made by citizens by blood of the Cherokee Nation, with one exception, and he is a white man and a citizen of the State of Arkansas. All the affidavits tend to show that William Buffington, the father of the applicant in this case, was a slave of the Buffington family, Cherokee citizens, and that he did not



leave the Cherokee Nation during the Civil War. All of these affidavits have been made by parties whose age is sufficient for them to testify to the facts set out from their own personal knowledge. The former decision in this case was based on the alleged fact that William and Eliza Buffington, the parents of the applicants, were taken from the Cherokee Nation during the Civil War and that neither of them returned to the Cherokee Nation within the time specified by the Treaty of 1865.

The Office is of the opinion that the showing made in this case is sufficient to justify re-opening for the purpose of introducing the new evidence set out, and therefore recommends that the petition be granted and the case re-opened and remanded to the Commissioner to the Five Civilized Tribes for the purpose of taking additional evidence.

The record in the case is enclosed herewith.

Very respectfully,

SIGNED C. F. Larrabee,

Acting Commissioner.

—Copy—  
DEPARTMENT OF THE INTERIOR,

REPORT,

WASHINGTON,

T. F. D. 1260-1907.  
D. C. 2766-1907.

*February 12, 1907*

SIR:

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

SIR:

On January 26, 1907 (Land 112787-04), the Indian Office transmitted your report dated December 21, 1906, and a motion for review in the matter of the application for the enrollment of Mary Hemette, et al., as Cherokee freedmen. You transmitted said motion for such action as the Department may deem proper.

The Indian Office is of the opinion that the showing made in this case is sufficient to justify reopening for the purpose of introducing new evidence and therefore recommends that the motion be granted and the case reopened and remanded to the Commissioner to the Five Civilized Tribes for the purpose of taking additional evidence. A copy of its letter is enclosed.

In view of section 8 of the act of April 20, 1904 (34 stat., 137), even if the motion presents a prima facie case for further hearing, the Department would not

-2-  
be warranted in ordering the same.

The papers in this case, together with the motion filed in the matter of the application of one Burns Buffington, for enrollment as a Cherokee freedman, are inclosed herewith.

Respectfully,

SIGNED: Theo. Egan,

First Assistant Secretary.

1 inclosure.  
Carbon copy and  
10 inclosures to Ind. Of.

Cherokee F. D.  
79-374-375

Waskagee, Indian Territory, March 7, 1907.

Starr & Patten,

Vinita, Indian Territory.

Dear sirs:

You are hereby advised that the motion for rehearing of the Cherokee freedman case of Mary Hemitte, et al., filed by you July 19, 1906, was denied by the Secretary of the Interior, February 12, 1907.

For your information, there is enclosed herewith a copy of the Department's decision.

Respectfully,

Enc. M-72

Commissioner.

MM

Cherokee F. B.

79-574-375

Muskogee, Indian Territory, March 7, 1907.

V. V. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the motion for a rehearing of the Cherokee freedman case of Mary Hamilton, et al., filed July 19, 1906, was denied by the Secretary of the Interior, February 18, 1907.

For your information, there is enclosed herewith a copy of the Department's decision.

Respectfully,

Enc. N-73

Commissioner.

MM



REFER IN REPLY TO THE FOLLOWING:

Cherokee F. D.  
79-374-375

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 7, 1907.

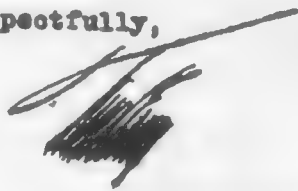
Mary Hemitte,

MaLain, Indian Territory.

Dear madam:

You are hereby advised that the motion for a rehearing of your Cherokee freedman case, filed by your attorneys, Starr & Patten, July 19, 1906, was denied by the Secretary of the Interior February 12, 1907.

Respectfully,



Commissioner.

MH

The record in this case not complete. Should include testimony of Nan Mackey on April 16, 1901 in case of Mary Hemitte, F.D.79. See request of attorney for applicant made May 21, 1901, just following testimony of Ben Beck.

These two cases should be consolidated with case of Mary Hemitte F.D.79, their sister.

Statement in decision that applicants were born since 1866 is contradicted by all of the testimony, both for the applicant and on behalf of nation

I think preponderance of testimony very clearly shows that father of applicants was living with his family in Kansas as late as 1867. See testimony of Josephine Humiston and J. L. Ward. -

Allen Lynch, Anderson, or Crap Lynch, and Fred Martin were notorious standing witnesses, and their testimony for applicant is not entitled to much weight.

Think applicants should be out.

3/17/04

B. C. J.

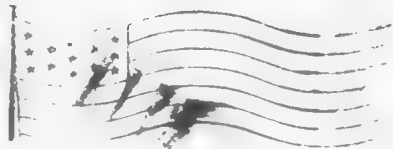


Cherokee Freedmen D-374,  
" " D-375,  
" " D- 79.

I have consolidated the case of Mary Hemitte with that of her two brothers, Ab Buffington and William Buffington, and have enrolled all of them. While this testimony is very unsatisfactory, I think the preponderance of the evidence is in favor of the applicants.

C.M.McR.

August 1st, 1904.





Cher Fr R 834

Trans. from Cher Fr D 87

Cher Fr R 834

87

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., April 16, 1901.

In the matter of the application of Bettie Mayes for the enrollment of herself and as a Cherokee Freedman.

Bettie Mayes, being duly sworn and examined by Commissioner Breckinridge, testified as follows;

- Q Give me your full name? A Bettie Mayes.
- Q How old are you? A About 45 I guess.
- Q What is your post office? A Fort Gibson.
- Q In what district do you live? A Tahlequah.
- Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Who do you want to enroll besides yourself? A Just myself.
- Q How long have you lived in the Cherokee Nation? A I came back in 1888; I was taken out and didn't get back till 1883.
- Q When were you taken out? A I think about two years before the war ceased.
- Q Where did they take you? A In Texas.
- Q And you stayed there until 1883? A Yes, sir.
- Q Give me the name of your father? A Nero Irons.
- Q Is he dead? A Yes, sir.
- Q How long has he been dead? A About 35 years.
- Q Did he die in Texas? A No, sir, he never was in Texas, he has been here all the time.
- Q Give me the name of your mother? A Winnie Mayfield.
- Q Is she dead? A Yes, sir.
- Q How long has she been dead? A She has been dead about 4 years.
- Q Have you been married? A Yes, sir.
- Q How many times? A Once.
- Q Whom did you marry? A Berry Mayes.
- Q Where did you marry him? A I married here in the Cherokee Nation at my sister's home.
- Q How long since you married? A It has been about 7 years I guess.
- Q You have no children? A No, sir.
- Q Is Berry Mayes still living? A No, sir, he is dead.
- Q Was he a Cherokee Freedman? A Yes, sir.
- Q Did he live in the Cherokee Nation all his life? A All his life.
- Q Was he ever married before he married you? A Yes, sir.
- Q How many times? A I don't know, sir, I don't know but one of his wives.
- Q How old was he when he died? A I guess he was sixty something.
- Q Who was the wife that you knew of that he had? A Mary Mayes.
- Q Is she dead? A Yes, sir, she is dead.
- Q How long has she been dead? A She has been dead about 14 years I guess.
- Q She died before you and Berry Mayes married? A Yes, sir.
- Q Did you ever hear of his having been married before that?
- A No, sir, I never heard of it.
- Q Never heard of him speaking of any other woman? A No, sir.
- Q Did he leave any children by his wife Mary? A No, sir.
- The 1880 authenticated roll of Cherokee Freedmen examined, and Berry Mayes identified thereon, page 784, No. 1487, Tahlequah district, as Berry Mays.
- Mary Mayes on page 784, No. 1488, Tahlequah district, as Mary Mays.
- Bettie Mayes not on 1880 roll.
- The 1896 census roll of Cherokee Freedmen examined, and the name of Bettie Mayes not found thereon.
- The Kerns-Clifton pay-roll examined and the applicant not identified thereon.
- Q Did you ever enroll? A Yes, sir, I have been trying to enroll all the time.
- Q But did you ever succeed in enrolling? A No, sir.

Bettie Mayes - 8.

Q You say you have tried to enroll several times? A Yes, sir.  
Q But you never succeeded in getting on the rolls? A No, sir.  
Q Why did they say they say they wouldn't enroll you? A Because I wasn't here in 1866, that is the reason, I didn't get here in time.

Q Have you ever married since your husband Berry Mayes died?  
A No, sir, I have 't.

Q Did you live with him from the time you married him until he died? A Yes, sir.

Q Have you lived in the Cherokee Nation since 1882? A Yes, sir, all the time.

By Mr. J.S. Davenport, a attorney for Cherokee Nation: If she is to be enrolled as an intermarried Freedman, we would prefer to have the application changed to a straight application as an intermarried Freedman.

Commissioner Breckinridge: You have always found that you could get no standing or rights as a freedman yourself? A Yes, sir.

Q Because you came in too late after the treaty of 1866? A Yes, sir.

Commissioner Breckinridge: It appears that the only ground on which you could claim would be as the widow of Berry Mayes; he was a freedman, and you might have some rights by your marriage to him.

Q Who is there here that knows that you and Berry Mayes lived together as husband and wife? A Ned Irons and Fannie Miller.

Ned Irons, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your full name? A Ned Irons.

Q How old are you? A About 44, going on 45.

Q What is your post office? A Tahlequah.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know Bettie Mayes? A Yes, sir.

Q How long ~~has~~ had you known him? A Ever since 1864 or 1865.

Q Do you know this applicant here, Bettie Mayes? A Yes, sir.

Q Did she used to be the wife of Berry Mayes? A Yes, sir.

Q How long did they live together as husband and wife? A Until death.

Q About how long had they been married? A I disremember when they were married, somewhere about 1865 I reckon.

Q They lived together a number of years? A Yes, sir.

Q Had Berry Mayes ever been married before that? A Yes, sir.

Q How many times? A Once as I know of.

Q About when did he marry the first time do you know? A No, sir, during the war I guess; when I got acquainted with him he was living with this woman then.

Q He was a young man? A He was living with that woman, I don't know exactly what age he was.

Q That was back along at the beginning of the war? A Just after the war when I got acquainted with him.

Q How long had he been living with her? A Ever since I had known him.

Q Did they have any children at that time? A Had one.

Q That child is dead now? A Yes, sir.

Q Did he ever speak of having had any other wife? A No, sir.

Q Did he live with that wife until she died? A Yes, sir.

Q What was her name? A Mary Mayes.

Q And was it after the death of that wife that he married this woman? A Yes, sir.

Q Have you known this woman ever since Berry Mayes died? A Yes, sir.

Q Has she ever married since his death? A No, sir.

Q Lived single all the time? A Yes, sir.

Q Did you ever hear of her being married before she married him?  
A No, sir.

Q You never heard of her having any children? A No, sir; the

Bettie Mayes - 3.

Cherokee laws recognized the marriage and I was the administrator of the estate.

Mr. Davenport: Of her estate, or of Berry Mayes'? A Berry Mayes.

Commissioner Brackinridge: The applicant states that she returned to the Cherokee Nation in 1888; that she has tried at various times to be enrolled by the Cherokee authorities, but has been refused each time upon the ground that she returned too late to enjoy the benefits of the treaty of 1866. It appears that she was taken out of the Cherokee Nation and to the State of Texas during the Civil War, about two years before the ~~and~~ hostilities ceased. She is not upon any roll. It appears from the testimony so far adduced that she was never married except to her ~~hus~~ deceased husband, Berry Mayes; that he was married once prior to the marriage of the applicant, but that his former wife was dead before he and the applicant were married, and that the applicant and Berry Mayes lived together from the time of their marriage until his death, which was a number of years ago. It further appears that the applicant has not remarried since the death of her husband. Her deceased husband is duly identified with his wife at that period, who is stated to be also dead, upon the roll of 1880, and it is stated that he lived in the Cherokee Nation all his life. Under these conditions, it is considered that the applicant might have some rights as an intermarried Cherokee citizen, or a Cherokee Freedman by intermarriage. She will be listed as a Cherokee Freedman by intermarriage on a doubtful card for the further consideration of this matter. The Cherokee representatives protest against her enrollment, and state that they will file a formal protest.

Mr. Davenport: Comes the representatives of the Cherokee Nation and protest against the enrollment of the applicant as an adopted intermarried Freedman, for the reason that the laws regulating the marriage of white men and foreigners as found in §659, Article 11, page 329 of the compiled laws of the Cherokee Nation of 1898, do not provide for the intermarriage of Freedmen.

\*\*\*\*\*

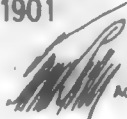
Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones  
Sworn to and subscribed before me this the 17th of April, 1901.

  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
APR 18 1901



ACTING CHAIRMAN



## MEMORANDUM OF APPLICATION.

## CHEROKEE FREEDMEN.

Date April 16, 1901Post Office St. Louis, Mo.District Wabigoon

1. Name

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife Bettie MayesAge 45

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

3.

Year

Page

No.

Dist.

4.

Year

Page

No.

Dist.

5.

Year

Page

No.

Dist.

6.

Year

Page

No.

Dist.

7.

Year

Page

No.

Dist.

8.

Year

Page

No.

Dist.

9.

Year

Page

No.

Dist.

10.

Year

Page

No.

Dist.

11.

Year

Page

No.

Dist.

12.

Year

Page

No.

Dist.

Application made by Bettie Mayes

Stenographer

B. C. Jones

D. FD 87

Bettie Mayes

INDIAN TERRITORY,  
CHEROKEE NATION.

*W. Gibson*

I hereby certify that I served the with-  
in notice on

by delivering a true copy thereof on the  
day of A. D. 1901.

Given under my hand this  
day A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the  
within named applicant hereby accept  
service of the within notice on this the  
day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,  
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a  
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me  
this day of A. D. 1901.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
SEP 12 1901

## NOTICE!

IN THE MATTER OF The application of  
for enrollment as a Cherokee Freedman:

Case No. F. D. 87

To

*Bettie Mayes*  
*Bettie Mayes, F. H. Gibson & Co.*

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *J. H. Gibson* Indian Territory, on the following dates, to-wit: SEP 1 1901  
A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 7 day of

, 1901.

*R. B. Bell*

Attorneys for the Cherokee Nation.



Department of the Interior,  
Bureau of the Five Civilized Tribes,  
Washington, D. C. September 11, 1941.

SUPPLEMENTAL TESTIMONY,  
In the Matter of the application of James H. Hays, S. P. S. No. 1.

APPEARANCES:  
Mr. James A. Hays, for the applicant.  
Applicant present.

By Mr. Hays:  
The applicant offers in evidence certified  
copy of the decision of the Supreme Court of the Cherokee Nation,  
regarding colored citizens of the United States intermarrying with  
colored blood citizens of the Cherokee Nation, made June 20, 1940.

\*\*\*\*\*

That, you find, upon each stated that as stenographer to the Council  
given to the Five Civilized Tribes as reported the above proceedings  
in full and that the same is a true and correct transcript of his  
stenographic notes therein.

Subscribed and sworn to before me this 11th of September, 1941.

*John W. Wicks*  
*M. D. McInnis*  
*M. D.*

A. 1904

RECEIVED  
SEP 11 1941  
BUREAU OF THE FIVE CIVILIZED TRIBES  
WASHINGTON, D. C.



10 708

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
SEP 11 1901

ACTING CHAIRMAN



A. F. No.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Irons, et al., as Cherokee Freedmen, consolidating the applications of:

George Irons, et al.,	Cherokee Freedmen N	36,
Bettie Hayes	"	37,
Richard Hore (or Irons) et al.	"	D 1385,
Ned Lyons	"	D 381,
Rachel Landrum	"	D 382,
Elias Lyons, et al	"	D 383,
Altha Moore et al.,	"	D 387,
George W. Lynch, et al	"	D 721.

-: D E C I S I O N :-

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by Jennama Irons for, among others, her husband, George Irons, step-children, Bertha and Bettie Irons, and stepgrandchild, Elmore Lyons; by Bettie Hayes for herself; by Hunt Starr for Richard and Nellie Hore (or Irons); by Ned Lyons for, among others, himself, by Rachel Landrum for herself; by Elias Lyons for himself and minor child, Nelson J. Lyons; by Altha Moore for himself and brother, Oscar Moore; and by George W. Lynch for himself and minor children, Rosetta and Eliza Lynch. As the others included in said above mentioned applications have been differently classified, their rights to enrollment will not be considered in this decision. Copies of the testimony of M. W. and M. H. Couch taken at Vinita, Indian Territory, October 1, 1901, in re application of William Lane for enrollment as a Cherokee freedman, case No. D 306, and of Nelson Moore taken at Muskogee, Indian Territory, February 8, 1902, in re application of Moses Hardrick for enrollment as a Cherokee freedman case No. D 314, are filed herewith and made a part of the record in this case.

The evidence in this case shows that the applicants, George Irons, Bettie Hayes and Richard and Nellie Hare (or Irons), are all children of one Hare Irons, deceased, that the said applicants, George Irons and Bettie Hayes, were slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, et al., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; and that the applicants, Richard and Nellie Hare (or Irons), possess rights to enrollment as Creek freedmen, are included in a partial roll of Creek freedmen approved by the Secretary of the Interior March 13, 1902, opposite Nos. 2173 and 2228, respectively, and have selected and accepted their allotments of lands in said Nation. The minor applicants, Martha and Bettie Irons, are children of the applicant, George Irons, and one Winnie Irons, nee Lyons, deceased, were born since 1860, and possess no rights to enrollment other than as descendants of their said parents; that the said Winnie Irons, deceased, was born since 1860, and was the daughter of Jeff and Mahala Lyons, both deceased; and that the said Jeff and Mahala Lyons were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree. The minor applicant, Elmore Lyons, is an illegitimate child of the applicant, Martha Irons, and after ample opportunity having been afforded it is not established that she possesses any rights to enrollment other than as a descendant of her said mother.

The evidence further shows that the applicants, Ned Lyons, Rachel Landrum and Elias Lyons, are children of the above mentioned Jeff and Mahala Lyons, deceased, were born since the commencement of the rebellion, and possess no rights to enrollment other than as descendants of their said parents. The minor applicant, Nelson J. Lyons, is a child of the applicant, Elias Lyons, and one Martha Lyons, was born since 1860, and possesses no rights to enrollment other than as their descendant. In Cherokee freedmen case No. R. 343, the Commission has heretofore found that the said Martha Lyons possesses no rights to enrollment as a Cherokee freedman, and on May 28, 1904 (Departmental Letter I. T. D. 4224-04), its finding was approved by the Department.

The evidence further shows that the minor applicants, Altha and Oscar Moore are the children of one Mike Moore, deceased, were born since 1860, and possess no rights to enrollment other than as descendants of their said father; and that the said Mike Moore, deceased, was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and did not return thereto (he returned with his stepfather and mother, the said Jeff and Mahala Lyons), within the time specified in said above mentioned Whitmire decree.

The evidence further shows that the applicant, George W. Lynch (son of the said Mahala Lyons, deceased), was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree. The minor applicants, Bernetta and Eliza Lynch, are the children of the applicant, George W. Lynch, were born since 1860, and possess no rights to enrollment other than as descendants of their said father.

None of the applicants herein born during or prior to the below mentioned year, nor the ancestors of any applicant herein born during or subsequent to said below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence in this case establishes that the applicant, George Irons, after the close of the rebellion, returned to the Cherokee Nation in company with, among others, his brother, Alexander Irons. In Cherokee freedmen case No. 3 351, the Commission has heretofore found that the said Alexander Irons did not, after the close of said rebellion, return to the Cherokee Nation within the time specified in the Whitmire decree, and on November 22, 1904 (Departmental letter I. F. 3. 3500-04), its finding was approved by the Department. The evidence in this case further shows that the said Jeff and Mahala Lyons and Mike Moore, through whom some of the applicants herein claim their rights to enrollment, returned, after the close of the rebellion, to the Cherokee Nation, in company with, among others, one Moses Hardrick. In Cherokee freedmen case No. 3 314, the Commission has heretofore found that the said Moses Hardrick did not, after the close of the rebellion, return to the Cherokee Nation within the time specified in said Whitmire decree, and on October 13, 1904 (Departmental letter I. F. 3. 3300-04), said findings were approved by the Department.

In connection with above findings attention is called to the testimony of the applicant, George W. Lynch, taken June 25, 1901, at Chulasa, Indian Territory, when, to the question--"Where were you in 1864?" he replied--"Part of the time I was in Van Buren and my brother came down there and said my mother (Mahala Lyons) wanted him to bring me home (to the Cherokee Nation) and he did". His witnesses at that time did not testify as to his return. More than three years later, said applicant again testified before the Commission as to his return after the rebellion, and to the question--"Was your mother living in the Cherokee Nation when you got back here?" answered-- "I didn't see her at that time..... I heard they (his mother and others) were camped up there on the river, but I don't know it". On this occasion one of said applicant's witnesses, Columbus McHair, testified that he saw the applicant in the Cherokee Nation in the years 1864, 1865, and particularly, at a certain place on Grand River, during the year 1868. Applicant testified that he left the Cherokee Nation in January, 1867, and did not return to said Nation until sometime during the year 1875.

It is, therefore, the opinion of this Commission that the applications for the enrollment of George Irons, Bernetta Irons,



Bettie Irene, Margaret Elynn, Bettie Warren, Richard Ware (or Irene),  
Hollie Ware (or Irene), Sam Lewis, Rachel Anderson, Elias Lewis,  
Wilson J. Lewis, Alvin Moore, Oscar Moore, George V. Lewis, Bettie  
Lynch and Eliza Lynch, as Cherokee Freedmen, should be added,  
under the provisions of section twenty-one of the Act of Congress  
approved June 22, 1906 (34 Stat., 496), and it is so ordered.

WITNESSED TO THE FIVE CIVILIZED TRIBES.

(Signed) \_\_\_\_\_  
T. E. Elynn  
Chairman.

(Signed) \_\_\_\_\_  
T. E. Elynn  
Chairman.

(Signed) \_\_\_\_\_  
T. E. Elynn  
Chairman.

Witnessed at Muskogee, Indian Territory.

DATE \_\_\_\_\_  
MAY 12 1906

Cherokee freedmen R 841, 844, 846, 890  
and 90.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., MAY 24, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application  
for the enrollment of THOMAS MAYFIELD, ET AL., as Cherokee freedmen.

APPEARANCES:

For Applicants, Starr & Patten.

For Cherokee Nation, J. S. Davenport and L. B. Bell.

BY MR. DAVENPORT:

The representatives of the Cherokee nation desire to introduce the entry in the book of assessment for 1868, which refers to Warren Adams, and ask that it be read and copied in the record, so that the book may be returned.

BY MR. PATTEN:

Attorneys for applicant object to this, upon the same ground as previously stated in the other objections in the same record.

On behalf of Commissioners:

The request of the attorneys for the nation will be granted and the evidence considered for what it is worth.

Pursuant to the above, the following was read into the record from the book above referred to:

No. of Statement.	Name	No. of Horses	Value	No. of Cattle
6	Adams, Warren	3	60	1
Value	No. of Hogs	Average value of all	Average per Property	
12	1	Value \$	17	
Total	Deduct Constitutional exemption		Remarks.	
92	200		(Ditto) "Country"	

Q Has that entry been changed any, Mr. Ernest, since you turned it in to the Country Clerk? A No, sir.

Q I will ask you would examine the book which you have before you, and see if you find any assessment in 1868 of Nathan Duffin? A Yes, sir.

And, H. L. Swain, being first duly sworn, deposes that he is photographer to the Courtroom in the New Civil and Police Court, and that the above and foregoing proceedings had on May 21 and 22, 1884, in the matter of the case of the People vs. the State of Tennessee, at Nashville, Tenn., and that the same is a true and correct copy of that part of the original record of proceedings.

Geo. H. Swain

Subscribed and sworn to before me this 1st day of September, 1884.

Chas. E. Swain  
Notary Public



Charles Freeman & 570-624-625-  
570-624-625-  
Charles Freeman & 570-624-625-  
570-624-625-

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF IOWA  
IN AND TO THE SOUTHERN DISTRICT OF IOWA

CHARLES FREEMAN had in the matter of the consolidated  
applications for the enrollment of Charles Freeman, et al.,  
et al., and GEORGE DRENS, et al., et al., et al.

APPEARANCES:  
For Applicants, State & Nation.  
For Charles Freeman, H. H. Hastings and J. H. Hastings.

The records of this office show that on April 5, 1906, the  
Charles Freeman enrollment cases of Names Kavalick, et al.,  
were remanded to this office for hearing and adjudication;  
that on May 12, 1906, the Charles Freeman enrollment cases  
of George Drens, et al., were remanded to this office for re-  
hearing and readjudication; that on May 24, 1906, the applicants,  
their attorneys, and the Attorneys for the Charles Freeman were  
notified that these cases would be set for hearing on this date  
at which time the following proceedings were had, which pro-  
ceedings are made a part of the record in each of the above  
cases.

Testimony taken on behalf of applicants.

J. H. WALTERS, being first duly sworn, deposes as follows:

- Q. State your name? A. J. H. Walters.
- Q. Where do you live? A. At Iowa, Kansas.
- Q. How long have you lived there? A. Since the 15th of July, 1904.
- Q. What is your age? A. 33 the 5th day of last March.
- Q. Were you a soldier in the Civil War? A. I was.
- Q. When were you mustered out of service? A. The 15th of September,  
1865.
- Q. Where were you living in the year 1904? A. I was living one  
mile north of Iowa.
- Q. Were you acquainted with a colored man in that neighborhood by  
the name of Kate Kavalick? A. Yes sir, I was.
- Q. Where did he live at that time? A. The time that I knew him he  
lived one mile and west of where I lived on the bank of the  
Neosho River.
- Q. Did he ever work for you or anything that would make you better  
acquainted with him? A. Yes sir, he cut some 20 or 25 cord of  
hard wood for me in the early part of 1904.
- Q. When was the last time that you remember of seeing him in that  
neighborhood up there? A. I don't have any recollection of him after  
that, probably in March.
- Q. Do you know whether or not it was a general presumption in the  
neighborhood that he had left?

Mr. Hastings objected to an answer clearly inadvisable because this witness can only testify of his own personal knowledge.

On Behalf of the Commissioner: The objection will be noted.

- Q No I cannot say that I know that he had left there. I didn't see him and that is all I know about it.
- Q Didn't you see him after that time? A No sir.
- Q Have you lived in that neighborhood ever since? A Yes sir.
- Q Have you seen him in that community since? A No sir, not until I met him here today.
- Q Do you know of there being a house built in that neighborhood known as the Sam Arrville house a good many years ago? A Yes sir.
- Q Do you remember when that house was built? A In the spring of 1866. It was about a half mile from my residence and I quarried the rock for the foundation and cellar.

BY MR. HASTINGS:

- Q Now this has been 40 years ago and all you want to be understood testifying about is that after this man got good for you that you don't know what became of him after you think you saw him about March, 1866? A I lost sight of him.
- Q Never made any inquiry and had no occasion? A No sir.
- Q And don't know what became of him? A No sir.
- Q Now there were a great number of people that you perhaps knew 40 years ago that you don't know what became of them. Some went to one place and some others, and there may have remained there? A Yes sir, I think that might have been the case.

WITNESSES EXAMINED.

FELIX MORAN, by his First Oath sworn, testified as follows:

BY MR. PATTER:

- Q State your name? A Felix Morane.
- Q Where do you live? A I live in Elk County, Kansas.
- Q How old are you? A I am 56 years old last 31st day of April.
- Q Were you ever in the army? A No sir, I wasn't in the army.
- Q Where were you living in the year 1866? A Well in the spring of 1866 I was at my father's farm in Allen County, Kansas, in the spring, and I left there. Up until that time I had lived with my father on that farm from 1867 until then. Then in the spring of 1866 I left and I went on the second day of April, 1866, I was sworn into the army, but failed to be mustered in. Then I taken a team and went on the plains and drove a six mule team in the spring of 1866. I stayed there until June, 1866, when I came back to my father's place.
- Q Did you know about that time a colored man by the name of Moses Hardrick? A Yes sir.
- Q Did you know Jeff Lyons? A I know a darkey called Jeff, for instance we called a negro named Jeff, we called him "Nigger Jeff."
- Q Did you know one named "Nigger Butler"? A Yes sir.
- Q And one named "Nigger Sam" or Sam Moore? A I know Sam, but not his other name.
- Q Do you remember where Moses Hardrick lived in the year 1866? A Yes sir, he lived on my father's farm, northwest corner of my father's farm in Allen County, that is up until the latter part of the year, he left there in the fall of 1866.
- Q Is this Moses Hardrick the same as the applicant in this case? A This man right here.



- Q You could identify him could you? A After I looked at him awhile, when he was there he wasn't lame or crippled up.
- Q Were you acquainted with him at that time? A Yes sir, he worked there on my father's farm, I think it was in the latter part of 1862 he came there, and '63, '64, and up until the spring of '65 he worked there with me a good part of the time. I would say pretty near half of the time he worked for my father.
- Q Did he work there in the fall of 1866? A The first part of it.
- Q Where did Jeff Lyons live? A I don't know.
- Q Do you remember how long Hens Hardrick remained up there in that neighborhood? A He came there if I am not mistaken in the latter part of 1862 and left in the fall of 1866. That is he was there when I went on the plains and was there in the same cabin when I came back and he left in the fall of 1866.
- Q During that time where did he live, what kind of a house? A A log house a biggest part of the time.
- Q What did he live in the rest of the time? A In a tent or wagon chest, made for a tent, the first part.
- Q Do you know about the time that he left that neighborhood in Kansas? A Yes sir, it was in the fall. It was in the fall, from October up, until sometime, it might have been as late as November.
- Q In what year was it? A 1866.
- Q Do you know when he left that neighborhood in Kansas, whether he took his effects with him? A Took all he had, didn't leave anything there on the farm.
- Q Do you know where he lived after, or where he started to? A He said he was going to the Nation, I never followed him to see, and that is the way he talked all the time to me.
- Q Do you remember when Dan Merrill's house was built? A Well I was there, but I don't remember anything about the dates at all. I didn't work on it any when it was built.
- Q You remember what year it was built? A No sir, I couldn't tell you. I was right there, but I don't remember when it was built.
- Q Did you ever see Hardrick in that neighborhood up there after the time you say he left? A No sir.
- Q Have you lived in that immediate vicinity ever since? A No sir, I lived in Elk County.
- Q How long did you continue to live there after that time? A I left there the 20th day of February, I takes a claim in Elk County and probably the first part of February I left there in 1866.
- Q How do you fix that it was in 1866 that they left up there, rather than 1865 or '64? A Well now my brothers came home out of the army in the spring of 1865, after they came home then I went, and I made an effort to get in the army, I was sworn in on about the first or second day of April, and I failed to get in, and then I went on the plains and I stayed out west until June, 1866. The spring after my brothers came home out of the war I went in to be a brave bad soldier and I tried to get in.
- Q When did you return? A June, 1866.
- Q Was it that same year or different years these parties left?
- Q That same year.
- Q And that the way you remember it? A Yes sir, that is the way. When I came back he left, I farmed the place he left, I farmed it in 1867 and he farmed it in 1866. He put it in corn in 1866 and the next year I farmed that ground.
- Q The following year you farmed that ground? A Yes sir.
- Q When was that? A 1867.

BY MR. HASTINGS:

- Q When were you married? A The first time in 1870.
- Q You were not married then? A No sir, I was just 18 years old. I was born in 1848.
- Q All you know is that you never saw that fellow after the fall of 1866? A No sir, I never saw him and never heard tell of him until this case. He said he was coming to the nation and live.
- Q You mentioned a man named Jeff and Butler and "Nigger Tom"? A Yes sir.
- Q Did they leave and come with him? A I never saw them afterwards.
- Q I asked did they leave? A I don't know, there was a bunch left at the same time, gone left.
- Q You didn't have any knowledge about Jeff, you don't know where he lived? A No sir.
- Q Are you prepared to say he come off with Hese? A I don't know, there was a bunch left there.
- Q Are you prepared to say where Butler lived? A No sir, I don't know whether he lived with Hese or not.
- Q How about this man Tom? A I don't know anything about him.
- Q Did you ever see either of these after gone left? A No sir.
- Q Are you certain of that? A Pretty so, I never saw one that I remember of.
- Q Have you ever had occasion to have your memory refreshed of these affairs for these 40 years? A Not until this come up.
- Q Who directed your attention to it? A I don't know what the man's name was, he was a dark complexioned, heavy set man. I forget his name, he told me but I forget it.
- Q How long ago was it? A A couple of months, I expect since I saw him.
- Q Did you know Moses' wife's name? A I think her name was Patience.
- Q Did he have any children up there? A 3 or 4 there, little bit of fellows. Big enough to run around like that.
- Q Do you know how old the oldest one was when he left? A I don't know, I would not be positive but there was 3 or 4.
- Q Do you know of the youngest one? A No sir.
- Q Do you know whether they were boys or girls? A I don't know that, he had a small family there. He lived in their own house and we lived in ours.
- Q You never made any record of the date they left? A Nothing only memory from the time I come off of the plains.
- Q You don't know of him coming to the Cherokee Nation? A Never saw him from the time he left there.
- Q You don't know whether he come on this side or not? A He might have went to St. Louis and might have met for all I know, he left father's place. I have never seen him until here.
- Q Did Hese ever live on that Eastwood place west of the Neosho River? A I don't remember.
- Q Did he ever live on that Herville place? A I don't think he did, but I don't remember.
- Q Did you ever see this fellow Jeff's wife? A I don't think I did, if I did I don't remember her.
- Q Did he have any children? A I don't know whether he did or not.
- Q Did you ever see Butler McKair's wife? A I don't think I did.
- Q Did he have any children? A I don't know.
- Q Did you ever see Tom's wife? A I don't think I did, if I did I don't remember it.
- Q When were you told what Hese's wife name was? A No sir, she used to be my mother's wash woman, and they called her Patience and us kids would kind of make a little game of it.
- Q If she did your washing you don't remember the children's names? A No sir.

- Q You don't know how many there were? A No sir.
- Q Do you know whether they were boys or girls? A I think the elder ones were boys but I am not positive.
- Q How long did your father live, is he dead now? A He has been dead about 20 years.
- Q Was he living in 1872? A Yes sir.
- Q In 1876? A Yes sir.
- Q Who was living on your father's place in 1872? A He was there.
- Q Your father? A Yes sir.
- Q Did they have any tenants on the place that year? A I don't think they did. I don't remember whether they had any. I wasn't at home in 1872.
- Q Did you ever go back there at all? A I come back to see father occasionally but didn't pay any attention to the tenants. I had a brother-in-law that stayed there some.
- Q You don't know who was there,--what of those years between then or who attended your father's farm? A I don't remember, some years there were tenants there and but I don't remember.
- Q Did you have a farm during those years, 1872 to 1876? A Yes sir, I had one all the time from 1866.
- Q Who cultivated your farm? A I did myself, and sometimes had hired men.
- Q Who worked for you at that time? A I don't remember.
- Q It is mighty hard to remember those things? A Yes, unless you have got something to go by.
- Q You would not undertake to remember it? A No sir. I don't suppose I would remember Nese unless it was by my brothers coming out of the army and my going on the plains, and coming back.
- Q Suppose he says he came in the spring, would he know any more about it than you? A My recollection is he came after the corn was sheeked up.
- Q If he came in the spring, it was 1866, because you know he was there in the fall of 1866? A Yes sir.
- Q You don't know when he got here? A No sir, I don't know whether he ever got here until this time.

W I T N E S S E X C U S E D .

JAMES L. CHRISTY, being first duly sworn, testified as follows:

BY MR. PATTER:

- Q State your name? A James L. Christy.
- Q Where do you live? A In Allen County, Kansas.
- Q Is that near E Iola? A Yes sir, I lived 11 1/4 miles northwest of Iola, now.
- Q Were you enlisted as a soldier during the Civil War? A Yes sir.
- Q When were you mustered out? A August 16, 1864.
- Q Where were you living in 1866? A Two miles north of Iola.
- Q At that time were you or were you not well acquainted in that neighborhood? A Yes sir, I think I knew everything in the County.
- Q Did you at that time ever know a colored man named Nese Hardrick? A Yes sir.
- Q Did you ever know a colored man named Jeff Lyons? A Yes sir.
- Q Did you know Butler McHair? A Yes sir.
- Q Tammere? A Yes sir.
- Q Do you know where these people that I have just mentioned were living in the year 1866? A If I remember right Butler McHair was living on the south side of Deer Creek about three miles and a half I judge north and a little east of Iola on a widow woman's place named Pace.
- Q Where was Nese Hardrick living? A On a man's place named Loranee.

- Q How far was that from where you lived? A About a mile and a half.
- Q Did you see these people frequently? A Yes sir, with them every week.
- Q Do you know how long Mose Hardrick continued to remain in that community? A Why I don't know the exact date he left there, I got acquainted with Mose in 1865.
- Q How did you get acquainted with him in 1865? A He worked some for my father, I was at home living with my father and my father hired a good deal of help, had quite a farm there and Mose Hardrick would work for him, sometimes I think all three of these colored fellows, but Jeff Lyons, and in thrashing they would help thrash, and I got acquainted with them that way.
- Q When did they leave that community up there? A To the best of my knowledge sometime in October.
- Q What year? A 1866.
- Q Do you know where they started when they left there? A It was my understanding they were coming to the Nation.
- Q Did they take their effects with them when they left, moved completely out? A I don't know, I know they riged up in wagons, and whether they took all I don't know.
- Q Did you continue to live in that community for a considerable length of time after that? A Yes sir.
- Q How long did you live in that community continuously after that? A I guess I lived right there for 10 years.
- Q Did you ever see these people after that time you say they left? A No sir, I never did.
- Q What time of the year do you think it was they left? A I think it was along sometime in October, I don't know just what time, but it was sometime in the early fall of 1866.
- Q Did you ever see them there after that time? A No sir.
- Q How do you place it or remember that it was in 1866 rather than 1865 or '67? A Well a man by the name of Cornell ran a thrashing machine a good bit in our settlement and the neighbors would help one another, and I had some wheat in that year myself on my father's place, the first year I put out any wheat, and come with the thrashing machine we wanted Mose Hardrick and some of these colored fellows to help us thrash and they said they couldn't do it because they were fixing to move, and that was sometime the last of September or first of October.
- Q Did they say where they were going? A My understanding was to the Nation.

BY MR. HASTINGS:

- Q You think that was in October? A Yes sir, and there was another circumstance made me tell that. In that winter before, January and February, 1866, I hunted a good deal and I ~~was~~ killed 13 deer and I took the hides off and put them away and kept them ~~stuck~~ trying to get somebody to tan them and Tom Moore was at my house one day and saw these skins and said he would tan them for me.
- Q Was that in January or February, 1866? A No sir, it was in August.
- Q Why couldn't that have been in August, 1867? A Because I wasn't right at that place in August, 1867.
- Q Where were you in August, 1867? A I was about a mile east of there. I got married in 1867 and I moved east of there.
- Q What time in 1867 did you get married? A November, 1867.
- Q Then you were not married in August, 1867? A No sir.
- Q And you were not married in October, 1867? A No sir.
- Q Were you on your father's place? A I was on my father's place part of the time.
- Q How old did you say you were? A I didn't state but I will be 66 the 12th day of July.



- Q You lived at your father's place after the war up until you were married in November, 1866? A That was my home, I wasn't there all the time.
- Q That was your head-quarters? A Yes sir.
- Q Now you of course don't know where these parties went? A No sir.
- Q You never saw them any more until you saw them down here? A Never seen them until I saw Mose Hardrick here today.
- Q I believe you have mentioned Jeff Lyons, Butler McNair and Tom Moore in connection with Mose Hardrick? A Yes sir.
- Q You state they all left together? A That was my understanding.
- Q You are as positive about one as the other? A Yes sir.
- Q What was Butler McNair wife's name? A I think it was Betsey.
- Q Did they have any children? A I don't think they did.
- Q What was Jeff Lyons's wife's name? A I don't know.
- Q Did they have any children? A I don't know.
- Q Were you ever at his house? A No sir, I don't know as I was at his house.
- Q Then you didn't see him when he was loading his wagon? A No sir.
- Q And you didn't see Butler McNair? A He had his wagon loaded.
- Q And that was in October, 1866? A Yes sir, my understanding was they were all coming together.
- Q You don't know that? A I am not positive as to the date but I am pretty sure they all left together.
- Q You are not positive as to the date but you are positive as to them leaving all together? A Yes sir.
- Q You didn't know Tom Moore's wife? A I have seen her.
- Q You don't know her name? A No sir.
- Q Do you know what place he lived? A On Coover's place at Carlile.
- Q You don't know whether Tom had any children or not? A It seems to me that he had some children, but I would not say positive.
- Q Well now did your father raise any wheat in 1867? A Yes sir.
- Q Did he raise some in 1868? A We tried to raise some in 1868 but I think that was the year the grass hoppers come and cleaned it out, and then in the fall of 1868 I sowed some wheat and that did pretty well.
- Q Did you raise some in 1869? A Yes sir, I think we did.
- Q Did you raise any in 1869? A I think maybe we did. We generally sowed wheat every year.
- Q Well did you? A We sowed every year.
- Q I mean did you have it sown on your place? A No sir, not on my place.
- Q Did you have a place in 1869? A No sir, not myself, the place I was on belonged to my father.
- Q Did he have some wheat in 1869? A I think he did.
- Q Do you know who thrashed that wheat for him in 1869? A Yes sir, I can tell you who runed that thrashing machine over that way.
- Q The same man? A No sir.
- Q Well who did? A Old John Corneel done our thrashing from 1861 up until about 1869 or '70. And then Lew Osborne and Nate Widen thrashed in there for 21 years.
- Q Do you know whether it was 1869 or '70? A I think it was 1869.
- Q Are you positive about that? A Yes sir, I am pretty positive.
- Q What time in 1869? A I think it was in the fall.
- Q You were not down at Mose Hardrick's when he left? A No sir, but I was there several times and heard of his leaving.
- Q You heard of his leaving? A Yes sir.
- Q Didn't see him leave? A No sir, didn't see any of them leave.
- Q In other words they just dropped out of your mind but you didn't see them going? A Yes sir, they told me they were going and I sold Tom Moore a span of ponies to come with just a few days before they left.



~~XXXXXXXXXXXXXXXXXXXX~~

- Q But you don't know whether he and Mose come together, didn't see them start? A Didn't see them start, no sir, but my understanding was that they all were to get together, to be at Humbolt.
- Q What has refreshed your memory recently, it has been 40 years since then? A Well I don't about that but when this case came up----
- Q You talked with the other witnesses when you come down? A Yes sir, I talked with these witnesses as I come down.
- Q And have you talked with Mose Hardrick? A Yes sir, I talked with Mose Hardrick.
- Q What other of these people have you talked with? A I don't know, I don't know any of them but Mose.
- Q Talk with Mr. Starr? A Yes sir.
- Q When? A This morning the first time I ever seen him.
- Q Who did you talk with up in Kansas and who got you to come here? A Well the man I talked to up in Kansas was Parrymore.
- Q Is he down here? A No sir, I seen him at Iola. I can tell you just how it come up---
- Q I asked you who you talked to? A Well I talked to Parrymore about it and told him what I knewed about it.
- Q And the reast of you witnesses talked it ever coming down here? A We didn't talk it over. Only two come with me.
- Q Who? A A man named Morse and a man named Byrd.
- Q Do you know any of the hands that helped you thrash in 1867? A Yes sir, I can tell you some of the hands, one of them was here today and some of them are dead.
- Q Who was that? A John walter.
- Q Who helped you in 1868? A Why John walter I guess.
- Q Are you positive about that? A Well we always changed work.
- Q You had been in the ha it of changing work are you positive you changed that time? A Well I don't know for sure.
- Q You know Mose Hardrick didn't leave in the spring but was there as late as October of 1866? A Yes sir.
- Q If he testified he come in the spring he didn't come in the spring of 1866, it was some spring after that time, because he was up there at your place in the spring of 1866? A Why he was up there until the fall of 1866.
- Q If he testified he come in the spring, it was some spring after that? A He was mistaken, not that spring.

BY MR. PATTEN:

- Q At the time these parties left that neighborhood in Kansas were you married or single? A I was single.
- Q This Mose Hardrick you speak of is he the same person who is the applicant in this case? A Yes sir.
- Q You spoke on your cross-examination something about some one tanning some deer hides for you? A That was Tom Moore.
- Q Did that instance help to refresh your memory? A Yes sir.
- Q In what way? A In the year that he taned them. I knew what year it was.
- Q How do you happen to recall that instance of him tanning those hides for you? A Well after he got them taned he took them all away and I never got but one little hide.
- Q Did he take them all away? A Yes sir.
- Q You remember you lost your hides? A Yes sir.
- Q Do you or do you not positively remember that it was in 1866 that these people left? A Yes sir.
- Q You spoke on your cross-examination of selling some ponies to Tom Moore, do you remember whether or not you sold them to him for any purpose or how he come to buy them from you? A Well I didn't have any need for them, I was making a pretty good thing out of them and he wanted a couple of ponies and I sold them to him.

Q Do you know what he bought them for?

Mr. Hastings: I object to that because Moore is not a party to this case.

On Behalf of the Commissioner: The objection will be noted.

A I don't know what he bought them for.

Q Are you testifying from facts yourself or what people told you to say? A I am testifying from what I know and from not what nobody told me.

BY MR. HASTINGS:

Q Was it the next year after the grass hoppers were bad in Kansas that you speak of Hese Hardrick helped you thrashed? A Yes sir, it was in 1865 that the grass hoppers come and hurt our wheat. We sowed wheat in the fall of 1865, --no it was in 1864 the grass hoppers come and destroyed the wheat, the same year I got out of the army and in the fall of 1864 we sowed again and in 1865 there was some grass hoppers there, damaged the wheat early in the spring.

Q And it was the same year after they damaged it the grass hoppers were bad up there that Hese left? A The last grass hoppers were there in the spring along--

Q I am asking you the relative times, whether it was the same year afterwards? A Yes sir, the same the year afterwards. The grass hoppers left in the spring and it was the next fall afterwards.

Q Don't you know the grass hoppers were bad there in the fall, or in the year of 1866? A No sir, not bad in 1866.

Q Didn't hurt your crop in 1866? A No sir, it was in 1865.

Q But anyhow it was the next year after the grass hoppers were there? A Yes sir.

BY MR. PATTER:

Q Do you remember when the Ben Herville house was built? A Yes sir.

Q What year was it built in? A In the spring of 1866 they commenced it.

Q Are you pretty positive that it was in the fall and not in the spring of 1866 that these people left? A Yes sir, I am pretty sure it was sometime in the fall. I am not positive as to the exact date but I am pretty sure it was in the fall.

BY MR. HASTINGS:

Q How far from Iowa was the Ben Herville house? A It is a mile and a half from the center of the square.

Q How a mile and a half south from the center of the square, who lives there? A Davis Parsons.

Q When did they build a house down there? A Well sir I think Davis Parsons built a house there in 1867.

Q How any east of there a mile and a half, who built a house out there? A Wasn't any there.

Q How out in that neighborhood? A Wasn't any settlement up there then days.

Q When was the first house built there? A Old Lyman Howe built the first house east of there.

Q When was that? A In the fall of 1869.

Q What I am trying to get at there was nothing to impress it on your mind of anybody building a house around there? A Well yes I know, there was a lot of houses built around there.

Q You mean to sit up here and tell when those houses were built without anything to fix it on your memory? A I am the oldest settler in that country

- Q Now are you willing to testify independently without anything to fix it definitely upon your mind about when these houses were built there? A Well not all of them but the first ones I know, who built them and where they were built.
- Q There is nothing to attach your memory or impress it upon your memory? A No sir, not all over the country.
- Q Why then was the Dan Horville house? A He built the finest house in the country.
- Q Well aint there lots of fine houses around in that country? A Yes sir, there is now, but he built the first.
- Q You never made any record of when the house was built? A No sir, nothing only just in my mind.

W I T N E S S E X C U S E D .

J. C. THOMAS, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A J. C. Thomas.
- Q What is your age? A 64.
- Q What is your post office? A Iola.
- Q Kansas? A Yes sir.
- Q How long have you lived in or around Iola, Kansas? A Ever since 1864.
- Q Where were you living in the spring of 1865? A I lived at Iola, near there, right in a half mile of the town.
- Q What direction from town? A West of town at the mill.
- Q Were you acquainted at that time with a colored man named Jeff Lyon? A I didn't know him by that name.
- Q By what name did you know him? A By Jeff.
- Q Did you know his wife? A Yes sir.
- Q What was her name? A Mahala, she done my washing until I was married.
- Q Is there any circumstance by which you fix that it was in 1865 that you lived near these people, and that they did your washing? A She never done my washing after 1865, January 5, I was married January 5, 1865, whenever did my washing after that.
- Q Well did you buy a place in 1865? A Yes sir, I bought the farm I am living on now.
- Q What time in 1865 did you buy it? A In April sometime, I think the 29th.
- Q Did you get a deed to that farm? A Yes sir.

Mr. Starr: Mr. Hastings we want to have a notation made of this deed.

Mr. Hastings: I have no objection whatever.

On Behalf of the Commissioner: There is exhibited a deed dated April 29, 1865, signed by Jacob Pierson and his wife, Lyddie Pierson, conveying certain land described therein to John C. Thomas. This deed was acknowledged before Wm. S. Newbury, a Notary Public, Allen County, Kansas, on April 29, 1865. The deed is returned to the witness.

- Q Now where was Jeff and Mahala at the time you bought this place?

Mr. Hastings: Objected to because he has made no connection between the two as yet.

On Behalf of the Commissioner: The objection will be noted.

A He was living on Mr. Conhern's place.

- Q How far was that from where you lived? A On part of the place, there was a lot cut off of this place.
- Q How long did you continue to live at that place? A From 1865 until the spring of 1866.
- Q Then where did you move? A On to this place.
- Q Then when you moved on this place in the spring of 1866 where was Jeff and Mahala living? A I think they were living on the Cowhern place.
- Q You at that time moved on the place mentioned in this deed? A Yes sir, the first of March.
- Q What became of Jeff and Mahala after that? A I don't know sir, I haven't seen them since.
- Q How long did they continue to live there after that, after you moved on to this other place? A I don't know sir, they may have lived there all summer, I couldn't give the date but I never seen them after the spring of 1866.
- Q Did they leave that part of the country in 1866? A

Mr. Hastings: Objected to for the reason that the witness says he doesn't know and didn't see them after the spring.

On Behalf of the Commissioner: The objection will be noted.

- A I never see them after that, don't know where they went.
- Q Never saw them since? A No sir.
- Q How what was your understanding as to where they went?

Mr. Hastings: Objected to because he says he doesn't know where they went and I suppose he doesn't want to testify where they went.

On Behalf of the Commissioner: The objection will be noted.

- A My understanding was that they come down here. I asked why they left there so quick, I didn't think they would leave at all, and I was told by whoever I asked that they left to come down here in time to get their claim.

BY MR. HASTINGS:

- Q You don't know who you talked with? A No sir.
- Q And you don't know of your own personal knowledge when they left? A No sir, I don't.
- Q You cannot begin to testify and you are not going to testify? A No sir.
- Q All you knew is that after you moved on this other place you never saw them after the spring of 1866? A No sir.
- Q And you don't know whether they left that spring, or summer or when? A No sir.
- Q All you remember is that you didn't remember of seeing them after you moved? A No sir.

W I T N E S S E X C U S E D .

ELIZABETH THOMAS, being first duly sworn, testified as follows:

BY MR. STAHR:

- Q What is your name? A My name is Elizabeth Thomas.
- Q What is your age? A I am 64.
- Q What is your post office? A Iola, Kansas.
- Q How long have you lived in or around Iola, Kansas? A Well since 1868, the fall of 1868.

- Q Where were you living in 1865? A Living right in Iola, well it wasn't inside of the corporate limits but close there, about 100 yards.
- Q Are you acquainted with a colored man named Jeff Lyons in 1865?
- A Yes sir.
- Q Did you know his wife Mahala? A Yes sir, she lived there close.
- Q How far did they live from where you lived? A It is hardly a quarter of a mile, I don't know really how far it was, not over that.
- Q Did you know them there in 1866? A I never saw them until here.
- Q When did you leave the place? A In the spring of 1866.
- Q Did you see them around there after the time you left? A Yes sir, before we left.
- Q What became of them after that? A They came to the Nation, to the Cherokee Nation I suppose.
- Q How was it that they came to the Cherokee Nation? A Well sir----

Mr. Hastings: Objected to because the witness has already stated that she didn't know, and that she never saw them after the spring of 1866.

On Behalf of the Commissioner: The objection will be noted.

- A Well I can't give the date when they come but it was shortly after we moved to our place. We moved there in the spring of 1866. We were married in 1865 and come on our place in the spring of 1866.
- Q And it was after that shortly you say they came to the Cherokee Nation? A Yes sir, it was a very short time after that, but still I can't give you the date when they came.

BY MR. HASTINGS:

- Q You don't know where they come of your own knowledge? A I am right this way, I am like everybody else, that is where they said they were coming. We didn't go with them.
- Q You didn't see them when they left there? A We went from that vicinity.
- Q Did you see them when they left? A No sir.
- Q They just dropped out of your sight and you didn't see them after the spring of 1866? A Yes sir, I said we moved on our place in 1866.
- Q Didn't you say they dropped out of your sight in the spring of 1866? A I said I hadn't been back to visit where I lived.
- Q Didn't you say you did see them after the spring of 1866? A I don't think I did.
- Q Now you ought to be absolutely frank with me, you don't know of your own personal knowledge whatever became of them? A The folks--

On Behalf of the Commissioner: Answer his question, yes or no.

- A I didn't know that they were coming down here.
- Q You lost sight of them in the spring of 1866? A Yes sir, that is what the folks said.
- Q How you are determined to say that? A Well it is just heresay, the same as our neighbors, everybody knows.
- Q Who lived on your place in 1867? A We lived there ourselves.
- Q Did you have any tenant? A No sir.
- Q Did you have any one in 1878? A No sir.
- Q Have you ever had one since? A One year we moved off our place and moved to a mill and ran a mill that one summer.
- Q What time did you move on this place in the summer? A In the spring, the first of March



- Q Then after you moved there the first of March you never saw Jeff and his wife? A I don't remember of seeing them.
- Q You don't know where they were of your own personal knowledge?
- A No sir.
- Q Did they have any children? A Yes sir, one.
- Q What was its name? A Its name has slipped my mind.
- Q Boy or girl? A Boy.
- Q About how old? A Well I should judge he was 5 or 6 years old, I don't know that is just guess work.
- Q They only had one that you know? A The only one that was with them, I have been told that she had older children that were not with her.
- Q That had only one there and it was 5 or 6? A Yes sir.
- Q That was Jeff and Mahala? A I don't know, it was called theirs.
- Q Do you know where it was born? A No sir.
- Q Did they have any born while there? A No sir.
- Q You know that? A Yes sir, I know that.
- Q This one you know is 5 or 6 years old? A I judge it was.
- Q You never saw but the one? A That is all I had any knowledge of. If she ever told me anything about her older ones I have forgot it.

BY MR. STARR:

- Q Now Mrs. Thomas you started to say awhile ago what the folks said about where these people went when they left there?

Mr. Hastings: Objected to for the reason that this witness has already testified that she doesn't know of her own personal knowledge where they went?

On Behalf of the Commissioner: The objection will be noted.

- Q Go ahead and tell what they, what you started to say? A I said that is what the people said, that they had gone to the Cherokee country.
- Q Was that the same year you moved on the last place?

Mr. Hastings: Objected to because that is as clearly and leading question as can possibly be put.

On Behalf of the Commissioner: The objection will be noted.

- A We have never lived on but one place, we live right where we moved when we went to housekeeping.
- Q Was that the same year you moved on this place that these people were talking about Jeff and Mahala coming to the Cherokee Nation?
- A To the best of my knowledge it was.

BY MR. HASTINGS:

- Q Was it a month after you moved on your place? A It was more than a month.
- Q Two months? A I think it was that, well this Jeff just attended a crop that year.
- Q You don't know this? A I know they had to hire another hand, they said Jeff was gone.
- Q In making that crop? A Yes sir.
- Q Making a crop of corn? A Yes sir, a mixed crop I guess.
- Q That is what you recollect about it? A Yes sir, I wasn't on that place, I just seen the family once in a while.

W I T N E S S E D .

On motion of the Commissioner this case was here continued for further hearing until June 22, 1906, at 9:45 A. M.

On June 22, 1906, in pursuance of continuance heretofore had in this case, the hour of 8:45 A. M. having arrived, this case was called for further hearing, and the following proceedings were had on this day.

R. J. MORRIS, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q What is your name? A R. J. Morris.
- Q Where do you live? A Iola, Allen County, Kansas.
- Q How old are you? A Past 61.
- Q How long have you lived there? A A little bit over 30 years.
- Q Were you a soldier in the Civil War? A No sir.
- Q Did you know a man by the name of Mose Hardrick, a colored man about war time? A Yes sir.
- Q When did you first become acquainted with him? A Personally acquainted with him in 1866, we were out together in Price's Raid, there is where I got personally acquainted with Mose.
- Q Did you continue to know him after that time? A I did for a year or two.
- Q Do you know where he lived in the year 1866? A He lived on a farm owned by Eli Loranee.
- Q Where were you living at that time? A Two miles northwest on Deer Creek.
- Q Were you pretty well acquainted with him? A Yes sir, very well acquainted with him.
- Q How frequently did you see him during the year 1866? A I probably see him once a week, maybe twice or three times. I went to town pretty often then and most every Saturday I would see Mose in town.
- Q Did you know Jeff Lyons? A Yes sir, I knew the man, I wasn't so much acquainted with him as I was with Mose.
- Q Did you know Tom Moore? A Yes sir, very well acquainted with Tom.
- Q Did you know Butler McHair? A Yes sir.
- Q Where did these other people live, Jeff Lyons, where did he live? A Jeff Lyons lived on Cowhorn's place, joined right up to Iola on the southwest.
- Q Was that close in the neighborhood where you lived? A Probably five miles.
- Q Where did Butler live? A On Deer Creek about 4 miles from me.
- Q Where did Tom live? A On Coover's place, a mile north of where Butler lived.
- Q Do you know how long these people continued to live in that neighborhood? A They were there until the fall of 1866.
- Q And where did they go, if you know? A I don't know, they left there and said---they were talking of coming back home, I suppose the Territory. They left there at that time along sometime in October or November, I couldn't say which month.
- Q How about how do you fix it that this was in the fall of 1866, rather than 1867 or '65 that they left? A Well I was at that time a single man, I was married in 1867.
- Q And about how long before you were married did they leave? A A year.
- Q And what time in the year 1867 were you married? A In the latter part, in the fall, or rather in the winter, along in November.
- Q Do you know when the Dan Horville house was built up in that community? A I couldn't say as to that, it was built in the early days.
- Q You don't know what year? A No sir.

BY MR. HASTINGS:

- Q It is pretty long to remember when people's houses were built around there? A Well I will tell you that was about the finest house put up in that country then.
- Q But you cannot remember? A No sir, I couldn't say what year.
- Q You would not like to say from an independent memory? A No sir.
- Q You say you were only slightly acquainted with Jeff Lyons? A Yes sir, only slightly acquainted with him, never met him very much.
- Q You perhaps knew there was a colored man by that name? A Yes sir.
- Q You don't know the members of his family? A No sir.
- Q You don't know anything about the members of Tom Moore's family? A I knew his wife, a girl Rose, an adopted girl.
- Q How old was Rose? A She was just a little bit of a girl.
- Q About what age? A Probably 7 or 8 years old.
- Q Well now what place did Tom live on? A On Conner's place.
- Q About how far was that from where you lived? A About 4 miles.
- Q Well now that settlement around Iola pretty thickly settled? A Yes sir, talable.
- Q You had no special reason to remember Tom Moore and you are testifying from your independent recollection? A Nothing more than that he had a mare I used to want and I would try to trade for that mare.
- Q You made no note or nothing of that? A No sir.
- Q You are just testifying from your own independent recollection? A Yes sir.
- Q And these people, you could be mistaken as to the time you last saw them? A Yes sir, it is possible.
- Q You are not going to state it here and swear positively as to that? A Only as to my recollection.
- Q You have no record guide you? A No sir.
- Q And the same is true of Butte McHair? A Yes sir.
- Q And of the others you have testified? A Yes sir, I would not attempt to say positively.
- Q You might be mistaken some 3 or 4 months, possible a year? A I don't think I am mistaken as to the time they left there.
- Q It is possible you could be though? A Yes sir.
- Q Because it is 40 years ago? A Yes sir, long time ago, I knew it was ~~long~~ they left there before I was married.
- Q You have got nothing that connects your marriage with them? A No sir.
- Q They didn't attend your marriage or anything of that kind? A No sir.
- Q I mean did work for you about your marriage? A No sir, I didn't ask them anything about it, I asked the woman, she consented and we got married.
- Q Well I know, you often times thought have help around there? A They would have been there at the wedding.
- Q I say there is nothing in the way of who cooked the wedding dinner or anything of that kind to connect one circumstance with the other? A No sir.
- Q As I understand you these were colored people living there in the country that you knew? A Yes sir.
- Q You knew a great man there, colored people there? A Yes sir.
- Q And these people dropped out of your sight about the time you indicated? A Yes sir.
- Q You are not going to testify as to where they went to? A No sir.
- Q You never saw them in the Cherokee nation until recently? A No sir.
- Q Some of them you have never seen? A No sir, and never will see unless I happen to go to the same place in the happy hunting ground.

- Q Might for aught you knew? A Yes sir, we might meet in the happy hunting ground.
- Q They left there at the same time Butler McHair? A Yes sir, and disappeared at the same time.
- Q That is all dropped out of your sight? A Yes sir.
- Q You were not there when either of them left? A No sir.

BY MR. PATTEN:

- Q You were more particular acquainted with Mose Hardick? A Yes sir, Mose more particularly.
- Q Are you pretty positive to the best of your judgment it was in the fall of 1866? A Yes sir, that is my judgment that they left there in the fall of 1866.
- Q When they left there where did you understand that they went?

Mr. Hastings: I object to that as being hearsay.

On Behalf of the Commissioner: The objection will be noted.

- A They were coming back home, back to the Territory, that was my understanding.

W I T N E S S E X C O U S E D.

CALVIN ROSS, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q State your name? A Calvin Ross.
- Q How old are you? A 45, 47 next spring.
- Q Where do you live? A Iola, Kansas.
- Q How long have you lived there? A I have been there ever since the war.
- Q Did you know Mose Hardick during the war? A Yes sir, I knew him.
- Q Did you know Jeff Lyons? A Yes sir.
- Q Did you know Butler McHair? A Yes sir.
- Q Did you know Tom Moore? A Yes sir.
- Q When did you first become acquainted with them? A Well after they went up to Kansas, that is Butler and Tom, Mose and Jeff all belonged to the same man down here.
- Q Did you go up there with them? A Yes sir.
- Q Were you in the Territory here before the war? A Yes sir.
- Q Did you go to Kansas with that party up there? A Yes sir.
- Q Where were you living in the year 1866 after the war? A Up there.
- Q Where? A Iola.
- Q How far from Iola? A Right in town.
- Q Do you know where Mose Hardick was living then? A Yes sir.
- Q Where? A On the Lorance place.
- Q Do you know where Jeff Lyons was living? A On the Cowhorn place.
- Q Do you know where Butler and Tom were living? A I don't exactly know, I know they lived on Deer Creek there.
- Q Do you know when Mose Hardick and Jeff Lyons left the community up there? A Yes sir.
- Q When did they leave? A Along about '66 along about the fall like.
- Q Do you remember about what month or what time of the year? A Well it was fall of the year, latter part of August somewhere along there.



- Q That was in the year 1866? A Yes sir.
- Q Where did they go, if you know? A Well they started down here they said to the Nation.
- Q Have you lived in that community almost every since? A Yes sir.
- Q Have they ever been up there since? A I haven't seen them, have saw Hese until yesterday.
- Q Do you know whether or not there was another man up there in that neighborhood named Calvin Hess. A Yes sir, all belonged to the same set of people, kinsfolks, but I knowed him, he belonged to Mr. Josh Hess's mother here, and I belonged to Lewis Hess.
- Q You are not an applicant here at all for citizenship are you, you have been in Kansas all the time? A I was in Kansas.

BY MR. HASTINGS:

- Q You are the same man that applied here for citizenship? A Not this court.
- Q Yes to this Commission? A When?
- Q Well are you? A No I aint applied for anything in this court here.
- Q Did you ever apply? A I did in the Wallace Court.
- Q About four years ago? A No sir, not 4 years ago.
- Q Have you ever applied? A Why I did in the Wallace Court, I dont know how long that has been but then I wasn't living here.
- Q What year was it? A I don't know what year it was then, it was in the Wallace Court.
- Q Who were your witnesses? A Why old man John Martin.
- Q Did you draw money from the Wallace Court. A Didn't get nothing not five cents.
- Q Did you make application to the Kern Clifton Commission in 1866?
- A No sir.
- Q Did you live in Iola, in the town of Iola? A Yes sir.
- Q Where did Hese live? A On the Lawrence place North of town, north west.
- Q I believe you stated that you never made any special note of when they left there? A No sir, I didn't keep no count when they left there.
- Q Well did you keep any account of it, have you got any memorandum in your possession? A I said they left in the fall of 1866, I will tell you the reason why, I worked some along with Jeff and that fall he said he wanted to hurry and get down here before the limit time run out.
- Q I am not asking about that, I am asking you if you have got any record in your pocket about when they left? A No sir, I aint got no date when they left, I know it was '66 along in the later part.
- Q Did Butler McHair leave at the same time? A Yes sir he and Tom Moore.
- Q All of them go? A Yes sir.
- Q You have never been to the Cherokee Nation since? A I have been here several times visiting.
- Q You never come in 1866 yourself? A No sir.
- Q What was the first time you come here after the war. A Time of the Wallace Court.
- Q You come and applied for money yourself, did you? A I come to see what I could do, they said everybody.
- Q Did you apply for it? A I want to enroll and they--
- Q Did you get on? A Yes sir, they said I was on it.
- Q Did you get any money? A No sir, they took my name off.
- Q You don't know what year that was? A No sir.
- Q Are you married? A I have been.
- Q What year were you married? A No.



- Q What were you doing up until 1870, you never was married? A What was I doing before I married.
- Q Yes, were you working up there? A Yes sir.
- Q What kind of work were you doing? A Anything I could get to do. Nothing special, anything I could get to do.
- Q Were you ever here after you come to make application before the Wallace Court? A I have been down on a visit, that is all.
- Q What year was that? A I was down here last year.
- Q What was the next year after the Wallace payment? A I didn't keep any record, might have been 4 or 5 years, I think about up until last fall, I guess it had been about 6 years.
- Q Do you remember the exact year you were here? A No sir.
- Q You don't know about these dates? A No sir no learning at all, I am no scholar.
- Q Can you sign your name? A No sir.
- Q Can't read nor write? A No sir.
- Q You are a colored man? A Yes sir I am colored.
- Q You were a slave yourself? A Yes sir.
- Q To whom did you belong to? A Lewis Ross.
- Q Where is that other Calvin Ross up there? A He lives at Vinita.
- Q Did he used to live at Iola? A Yes sir, I suppose he did.
- Q Don't you know? A Yes sir.
- Q Did Hardrick have some children up there in Kansas? A Yes sir. I think he had some.
- Q How many did he have? A I don't know that? That is something I never paid any attention to, him nor anybody else.
- Q Did Butler McHair have any children? A Well I don't know that.
- Q Well did Jeff Lyons have some? A Yes sir, he had some. I recollect a couple of girls; that was his wife's children.
- Q What were their names? A One named Peggie and An-na-ki, by a man named Ike.
- Q Did Jeff have any children by her? A Yes sir, he had children by her.
- Q Up there? A Yes sir.
- Q How many and what were their names? A Just one is all I know. It was young when he left, I don't know the name of him now.
- Q Don't remember his name? A No sir.
- Q Have you lived continuously in Iola ever since? A Yes sir.
- Q In the same town? A Right there in town been nowhere else.
- Q Were you in the army? A Yes sir.
- Q After you were mustered out you just lived continuously in Iola? A Yes sir, right there.
- Q Is the wife you married in about 1870 living? A Dead.
- Q When did she die? A She has been dead about 12 years I believe.
- Q Do you remember the year she died in? A No sir.
- Q You don't remember? A No sir, I don't know anything at all about such things.
- Q You don't know anything about dates? A No sir.
- Q You don't remember the date she died? A No sir.
- Q You are not going to testify about dates? A No sir.
- Q You are unlearned and cannot read nor write and are not going to testify as to exact dates? A Nothing like that I don't know.
- Q Did you have some children born to you? A No sir.
- Q Never had any children at no time? A No sir, never did.
- Q You are just testifying now from independent recollection? A What I tell is what I recollect.
- Q But you have just said you cannot read nor write and don't know anything about dates? A No sir, I cannot read nor write.
- Q And you said you don't know anything about dates? A Well I know about back in 1866, about that time I know that because that was the second year after I come home from the army.

- Q But you don't know what year your wife died? A No sir, I don't know that.
- Q You don't know what year you come down here to make application to get on the Wallace roll do you? A No sir, I don't recollect that date at all.
- Q Now from 1886 up to the present hour can you name any date upon which any event occurred. Now all between these years 1886 to 1906? A Well I don't know that that is.
- Q Do you know anything occurred in 1876? A I don't know that.
- Q Do you know anything occurred in 1886? A I never paid attention to such things.
- Q Do you know anything occurred in 1896? A No sir, I don't recollect any such things like that.
- Q When were you asked to testify in this case? A I was up at Iola.
- Q Who came to see you about it? A I don't know the man.
- Q Well who was it? A I don't know but he was--I guess you all knew him better than I do.
- Q Who subpoenaed you to come down here? A Why it was a Government man, he said he was doing Government business.
- Q Did he say he was a Deputy Marshall? A Yes sir.
- Q Did he tell you that? A He didn't tell me but I heard some of them say, he told me he wanted me to come down.
- Q Did he read a subpoenae to you? A No sir, he didn't read anything.
- Q Did he say he had one? A He didn't tell me that neither.
- Q What was his name,--Parrymore? A I don't know.
- Q Was that his name? A I never heard the man's name called.
- Q But without knowing who it was or anything about him, you come? A Yes sir, I don't know anything about his name he never told me his name at all, he told me what day to come.
- Q What year is this? A 1906 I believe.
- Q Are you certain? A Last year was 5 and this year is 6.

W I T N E S S E X C U S E D .

JOE DAVIS, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Joe Davis.
- Q What is your age? A 51 going on 52.
- Q What is your post office? A Vinita.
- Q Are you acquainted with the applicant Moses Hardrick? A Yes sir.
- Q Were you acquainted with Jeff Lyons? A Yes sir.
- Q Were you acquainted with Mike Moore? A Yes sir.
- Q Did you know Butler McHair in his life time? A Yes sir.
- Q Did you know old man Tom Moore? A Yes sir.
- Q Where were you in the fall of 1866? A I was over on Spring Creek, well I was in Tahlequah District, right where Saline and Tahlequah join.
- Q When was the first time you saw the applicant Moses Hardrick after the war of the rebellion in the Cherokee Nation? A Well it was sometime just before Christmas 1866.
- Q Where was he when you saw him? A Over there on Spring Creek.
- Q What was he doing there? A He just come over there visiting around I guess, over there where we were all living.
- Q When was the next time you saw him any more? A After Christmas, sometime in 1867, along in about the last of January sometime or the first of February.
- Q January 1867? A Yes sir.
- Q Where was he? A He was up on the River on the old Dr. Thompson place where Wimer Thompson lives now.
- Q What was he doing there? A He was living there.

- Q Who else was living there at that time? A A whole lot of them, Uncle Andy Frye was there, old man Moore.
- Q What Moore was that? A Uncle Tom Moore I think. I don't know, there were several families living in that old house.
- Q Has Moses Hardrick lived in the Cherokee Nation ever since you saw him the last of January 1867? A Yes sir, ever since to my recollection.
- Q Never has lived anywhere else? A Not as I know of.
- Q When was the first time you saw Jeff Lyons after the war? A Well that was in 1867, sometime in January.
- Q Where was he at that time? A He was up there, up to old Dr. Thompson's place.
- Q In the Dr. Thompson house? A Yes sir, in that house.
- Q Did Jeff Lyons and Mose Hardrick make a crop on that place in the year 1867? A I think they did, they were living there, working there.
- Q Did Jeff Lyons have his wife with him there? A I don't know whether he did or not.

BY MR. HASTINGS:

- Q How old are you now? A 51 years old, going on 52.
- Q You were just a boy then? A Yes sir.
- Q How old were you then? A I suppose I was, I don't know, about 11 years old, 10 or 11.
- Q You were a slave yourself before the war? A Yes sir.
- Q What is your wife's name? A Belle Davis.
- Q What was her maiden name? A Belle Bains.
- Q Is she an applicant for citizenship? A She was born and raised in Texas.
- Q Is she an applicant for Freedman citizenship? A No sir, she is an intermarried, she is a State woman.
- Q Were you ever married before? A No sir, this is the first one I ever married in my life.
- Q Where were you living in 1866? A Well sir I was living at two different places. I was living up there on Grand River, there is where I settled. I moved from Fort Gibson up there.
- Q When did you go from Fort Gibson? A Sometime in the summer.
- Q On whose place? A Our own place.
- Q Who was with you. A My Uncle.
- Q Who was he? A William Tucker.
- Q Who made a crop on the Lon Lynch place in 1867? A Well I don't know about that.
- Q Who made one on the Bob Daniels place in 1867? A I don't know about that.
- Q Did Jeff Lyons have any children with him when you saw him? A Well I don't recollect, there were some children, I think he did though.
- Q Did Mose Hardrick have any? A Yes sir.
- Q How many? A I don't recollect, had several of them,--Jeff Lyons, lets see---
- Q I am asking about Mose now? A Well he has had so many children I don't recollect.
- Q Well at that time? A Yes sir, I think he did.
- Q Now what children did he have? A I know of one, Eliza.
- Q Did he have any others? A Yes sir, two or three more there.
- Q What were their names? A I don't recollect--there was Josiah.
- Q He had him there when you first saw him? A No sir, he didn't have him then.
- Q I am asking you when you first saw him? A No sir, he didn't have none of his people with him when I first saw him.
- Q Well after Christmas, which ones did you see? A Well I say there was Eliza.
- Q What was the next one? A Well I don't recollect, he had several children.

- Q How many did he have? A I said I don't know.
- Q Don't recollect that? A No sir.
- Q How many did Jeff Lyons have when you saw him up there? A I don't recollect that.
- Q You can't tell about that? A No sir, had two or three, 3 or 4 there were lots of children there.
- Q You were only a boy yourself, you would have known children? A Yes Sir, that is how come me to know them, I played with them.
- Q Was Butler McNair there at that time? A Well I don't recollect, it has been so long, I can't recollect all of them.
- Q It has been a long time ago hasn't it Joe? A Yes sir, that is right.
- Q You didn't belong to the same people those people did before the war? A No sir but I knowed them.
- Q You were only 5 or 6 years old during the war? A Yes sir.
- Q You were born in 1855 or 1856? A Born the 27th of March 1855.
- Q Was Tom Moore at this Thompson place? A Yes sir.
- Q Did he have a wife? A Yes sir.
- Q What was her name. A I don't recollect.
- Q Was she there? A I don't recollect.
- Q You cannot recollect, it has been so long ago? A No sir.
- Q Where did you live in 1867? A On Spring Creek.
- Q Where did you live in 1868? A Up on Cabin Creek, moved up there in 1868.
- Q How far is that from the Dr. Thompson place? A About 30 miles I guess.
- Q Where did you live in 1867? A On Cabin.
- Q How long did you continue to live on Cabin Creek? A I continued to live there off and on until I was married. Called it my home, it was my home, raised up there, lived there from 1868 until now I live in Vinita.
- Q Were you down on the Dr. Thompson place in 1869? A I don't recollect.
- Q Were you down there in 1868? A Yes sir, I think I was there in 1868, some around by there?
- Q Who cultivated that place that year? A I don't recollect.
- Q Do you know who cultivated it in 1870? A No sir.
- Q Do you know who cultivated the Bob Daniels place in 1866? A No sir.
- Q Do you know who cultivated the Lynch place in 1865? A Which one of the Lynch places.
- Q Len Lynch place belonged to his father? A No sir, I don't. You see I didn't live up there with them people at all.
- Q You were just wandering? A No sir, just going up there. You see there wasn't very many of us people here in that country up to that time, and that settlement was 15 or 17 miles north of where we stayed and our folks went up there and I went with them.
- Q Are you certain you saw Butler McNair up there at that time?
- A Yes sir,--well I want be positive.
- Q Is that your best judgment, along with your judgment of the rest of them? A No sir, I want be positive about Butler McNair.
- Q You want be positive about any of the children that any of these people had? A Yes sir, I will to.
- Q Now lets commence again, what children did Hoss Hardrick have up there at that time? A I know he had Eliza.
- Q The others? A It seems he had a girl, I forget, I know he had two or three.
- Q Hoss Moore living there at that time? A Yes sir.
- Q Was he living in that house? A I think he was, yes sir, there was several of them, I don't know how many there was, 5 or 6 families all living in that old place.
- Q What others lived there, now named them all? A I have named all I recollect of.



- Q Now lets go over them again so we can get them more together, all that were living in that house at that time? A I couldn't tell you all of them. That has been a long time ago and I couldn't be positive to state but all of them people were living in that house.
- Q It is a long time to testify about? A Yes sir.
- Q And you don't want to be positive about that? A Yes sir I am positive I saw Uncle Mose Hardrick there because I knew him so well.
- Q Tell us who else and all you saw there? A I seen Tom Moore there, I seen Uncle Mose Hardrick's children.
- Q Well who else? A I seen Aunt Sallie Lyons.
- Q Was that Jeff Lyons' wife? A I think it was. It has been so long ago, there was a whole lot of them there, that was Mike Moore's mother.
- Q What was her name? A I think it was Aunt Sallie.
- Q You knew her before the war? A No sir, I used to run with Mike Moore, I knew him, raised with him and went with him.
- Q His mother was named Sarah? A Not Sarah, I think it was Sallie. It has been so long I forgot, ---No Mahala that was it.
- Q Who told you? A I just happened to think of it.
- Q You just heard one of the boys back there say it, didn't you?
- A No sir, but that was her name.
- Q She was living there then? A Yes sir.
- Q Well where was Bob Daniels living? A I don't recollect. It has been so long, I would not come up and say who all lived there exactly except old Uncle Mose and them people I know personally a long while.
- Q You are ready to testify about them. A Yes sir, you too.
- Q But you are not ready to testify what children Mose had? A Yes sir, I can testify to that.
- Q Give them here? A I cannot give them all.
- Q The n you are not ready to testify? A Yes sir, I am about Eliza Hardrick.
- Q Did he have any others? A Yes sir, two or three more.
- Q What were their names? A I don't recollect it, --there was Cy.
- Q He was there at that time? A I don't recollect whether Cy was there at that time. I knowed Uncle Mose had two or three children but that was Eliza, she was the oldest.
- Q What I am trying to get at, you say Mose had some two or three other children there at that time and I am asking you the names of any of them except Eliza, that was there in January 1867?
- A I don't recollect the names.
- Q But know he had them? A Yes sir, I know he had them.
- Q Was he living up stairs or down stairs? A I don't recollect that.
- Q Do you remember who was living up stairs? A No sir.
- Q Do you know who was living down stairs in it? A No sir, I don't recollect whether they were living up stairs or down stairs because I didn't live there myself.
- Q You don't know who was living there on the Bob Daniels place at that time? A No sir.
- Q You don't know who was living there on the Lynch place, Lon Lynch's father? A No sir, I didn't live up in that country.
- Q You don't know who lived on the Johnson Thompson place? A No sir I don't, it seems to me like it was some Cherokees living on the Johnson Thompson place, I don't recollect.
- Q What year did Johnson Thompson come back there? A I don't know, I couldn't tell you that.
- Q You couldn't say that? A No sir.



- Q When did you first see him up there after the war, Johnson Thompson? A Well I never got acquainted with Johnson Thompson until way along sometime in '70, in '72.
- Q When did you know of his living there,--lots of time you know of a man living there but not personally acquainted with him? A Well I would know--I knew he was living there along in '70.
- Q That as the first time you ever saw him there, that is what I am asking you? A I don't recollect.
- Q You don't recollect that? A No sir.
- Q How far is the Johnson Thompson place from the Dr. Thompson place? A Well I don't know that, it isn't very far though.
- Q Well about how far? A Well they are right close together. Dr. Thompson place I believe is on one side of the River and the Johnson Thompson place on the other.
- Q What side of the river is Dr. Thompson place? A On the east side.
- Q And the Johnson Thompson place is on the west side? A Yes sir. I don't know much about the Johnson Thompson place, but I have been to the Dr. Thompson place.
- A And it is on the east side of the river? A Yes sir, Wimer Thompson lives there now.
- Q Did you have to go by the Johnson Thompson place to get to the Dr. Thompson place? A No sir, not at that time, I come in from the southeast.

ON BEHALF OF THE COMMISSIONER:

- Q Are you related to Mose Hardrick? A None at all sir.
- Q Are you related to Jeff and Mahala Lyons? A No sir.
- Q Mike Moore? A No sir.
- Q How far did you live from them before the war, Mose Hardrick? A It was, I expect 45 miles.
- Q When was the last time that you saw him before the war? A Well sir I think it was just about the year the war commenced, or the year before the last time I seen Uncle Mose.
- Q Where was it? A He was up there at our place.
- Q Do you remember what year it was? A Yes sir, I think I do.
- Q What year was it? A I think it was in about 1860, the last time I seen Uncle Mose.
- Q He was at your place? A Yes sir.
- Q Was any one there with him? A Yes sir, several of them.
- Q Name them? A Lets see, there was him and Uncle Jim French, and my oldest brother, Ab Davis, my mother and Charley Davis.
- Q What were they doing there? A Well I don't recollect.
- Q Just visiting? A Yes sir, he was just there, used to come up there sometimes and stay a week or two at a time. Uncle Mose used to come up there to see my sister.
- Q Do you remember him being at your place before that time? A Yes sir.
- Q Can you name another time he was there before this? A Yes, sir, I can recollect him ever since I have been big enough to recollect.
- Q The last time you remember seeing him before the war was in 1860? A Yes sir, somewhere along there, '59 or '60 about the time the war commenced.
- Q Do you know where he went from your place? A No sir, guess he went back home.
- Q Did you see him any more until you say you saw him in January 1867? A Yes sir.
- Q When? A I seen him sometime along in December of 1866?
- Q Did you see any other freedmen up there about that time? A Yes sir.
- Q Name them? A Well I cannot name all. There was several of us.
- Q Name what you can? A There is Uncle Sam Vann, Jesse Vann, Rab Musgrove and our family and Uncle Hous Musgrove.
- Q Were they all there on Spring Creek? A All living up and down and Spring Creek, one settlement.
- Q You were how old then? A About 10 or 11 years.
- Q You remember December 1866, do you? A Yes sir, I recollect it, well I think it was sometime before Christmas.

Q Had you ever gone to school prior to that time? A No sir, I hadn't commenced school then.

Q Could you read and write at that time? A No sir.

BY MR. STARR:

Q About this Bob Daniels place, how many Daniels places were there around the country? A I don't know, I aint very well acquainted with the Daniels place.

Q Were you very well acquainted with this Lou. Lynch place in 1867? A No sir, I wasn't around there very much at that time. 15 or 16 miles from there.

BY MR. HASTINGS:

Q Was Mose Hardrick married before the war? A I don't know whether he was or not. That is beyond my knowledge.

Q You don't have any idea about that? A No sir, I couldn't say. I didn't live within 40 miles of him.

Q You don't know whether he had a wife before the war or not? A Don't know whether he married before the war or during the war. Sometimes the darkies didn't marry in this country.

WITNESSES EXCUSED.

WILLIAM BIRD, being first duly sworn, testified as follows:

BY MR. PATTEN:

Q State your name? A William Bird.

Q Where do you live? A Allen County, Kansas.

Mr. Hastings: Comes now the representative of the Cherokee Nation and call the attention of the Commissioner to the Five Civilized Tribes that no notice was served upon the representative of the Cherokee Nation that the testimony of the witness, William Bird was expected to be taken in this case. That notice was received by the representative of the Cherokee Nation only upon June 18, that this witness was expected to give testimony in this case, and no affidavit was filed as to what he is expected to testify to and his name was not included in a list of witnesses in the motion to reopen; and that it is unfair to the Cherokee Nation for notice to be given only three days in advance of the date the case is set for hearing of non-resident witnesses, and for these reasons object to the witness testifying in the case.

Mr. Patten: The Attorneys for applicants ask in reply to the motion of the Attorney for the Cherokee Nation, that the letter written to the Honorable Commissioner on June 16, 1906, advising the Commissioner of the names and post office addresses of the witnesses now sought to be introduced be filed and made a part of the record in this case. We further contend that the introduction of this witness is not unfair for the reason that his name and post office address have been previously furnished the Attorney for the Cherokee Nation, and if there is any unfairness it is because his name and post office address is at all required to be furnished being since the applicants in this case are not entitled to and are not in a position to require the Cherokee Nation to furnish the names or post office address of a single witness. And further we would call attention to the Departmental letter in the Thomas Mayfield case, dated April 12, 1906, that shows that the affidavits of witnesses sought to be introduced on new hearings are not required previous to the introduction of such witnesses.

On Behalf of the Commissioner: The records of this office show that under date of June 16, 1906, there was received a letter from Messrs. Starr & Patten, Attorneys in this case dated June 16, 1906, advising that they expected to introduce at the hearing in the cases of Moses Hardrick, et al., the testimony of William Bird of Iola, Kansas, and that they had on that date advised the Attorneys of the Cherokee Nation thereof, giving the name and address of said witness.

Mr. Bixby, Commissioner: The records of this office show that on May 24, 1906, the Attorneys for applicant were notified that the Freedman enrollment case of Moses Hardrick, et al., would be taken up for hearing at the offices of the Commissioner on June 21, 1906, and that they would be required to furnish this office with the names and addresses of such witnesses as they proposed to introduce in addition to the witnesses who signed affidavits filed with the motion to reopen the case, in sufficient time for this office to give the Attorneys for the Cherokee Nation at least two full weeks notice of the names and addresses of the witnesses proposed to be introduced. It is advised therein in accordance with the Department's direction to this office of April 12, 1906 (I.T.D. 4071-1906), in the cases of Thomas Mayfield, et al., in view of the advice to the Attorneys and of the Department's direction to this office in the Mayfield cases the motion of the Attorney for the Cherokee Nation will be sustained, and the testimony of the witness William Bird will not be taken.

Mr. Starr: To which the applicants except.

JENNIE DOWLING, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q State your name? A Jennie Downing.
- Q How old are you? A About 54 years old.
- Q What is your post office address? A Catale.
- Q Where were you living in the latter part of the year 1866? A The latter part.
- Q Yes, or the first of 1867? A I was at the old Johnson Thompson place.
- Q Are you a duly enrolled Cherokee freedman? A Yes sir.
- Q Were you out of the Cherokee Nation during the war? A Yes sir.
- Q When did you return? A Returned back here in 1866.
- Q Who did you come back with? A With Andy Frye, my Uncle.
- Q Now were you acquainted with Mose Hardrick before the war? A No sir.
- Q When was the first time that you remember of seeing Mose Hardrick after the war? A I remember seeing Mose Hardrick after the war was down at the old Johnson Thompson place.
- Q Which side of the Grand River is that place on? A It is on the east side.
- Q Did you know Jeff Lyon about that time? A Yes sir.
- Q When was the first time you saw Jeff Lyons after the war? A At the same place.
- Q About what time was that? A It was in the winter time.
- Q Of what year? A 1866.
- Q About what time in the winter? A About Christmas times, just little after Christmas. I aint positive, a little before or after Christmas.
- Q That is when you saw Jeff Lyons? A Yes sir.
- Q And did he move over on that Thompson place? A Yes sir.
- Q Did Mose Hardrick move over there before or after Jeff? A After Jeff, he was there first.

- Q How long after Jeff moved on that place did Mose Hardrick move there? A I don't know.
- Q Was it a long time or short time? A It wasn't so very long after he come I don't suppose. I would not be positive just how long.
- Q Did you know Mike Moore? A Yes sir.
- Q Did you know Cynthia Lynch? A Yes sir.
- Q Did they have a school in that neighborhood about that time? A Yes sir.
- Q Where did they have that school? A At old Johnson Thompson's place.
- Q Who taught it? A Cynthia Lynch.
- Q What time? A In the spring.
- Q Do you know about when that school started? A No sir, it was in the spring.
- Q Did Mike Moore go to that school? A Yes sir.
- Q Did you? A Yes sir.
- Q Did he go there when you did? A Yes sir.

Mr. Hastings: Comes now the representative of the Cherokee Nation and object to all of these leading questions put to this witness as the past few questions have been.

On Behalf of the Commissioner: The objection will be noted.

- A Yes sir, Mike went there then.
- Q And that was when? A That was in the spring.
- Q Of what year? A '67 or '66, '67 I think it was.
- Q Do you remember the occasion of the death of Harvey Frye? A Yes sir.
- Q When was that? A In March.
- Q Of what year? A '67. They dismissed school for us all to go and attend the funeral.
- Q Where was he buried? A He was buried right at that graveyard on the hill, I think on the east side of the house if I mistake not, it has been so long.
- Q Who dug that grave, do you know or not? A Uncle Jeff Lyon and Lewis Rowe.

BY MR. HASTINGS:

- Q Mose Hardrick ever lose any other children? A Any of his children.
- Q Did Andy Frye lost any other children? A Yes sir, lost one more, girl.
- Q After that? A Just before or after that.
- Q What year did the other one die? A I don't know.
- Q Don't have any idea about that? A No sir, I don't know.
- Q You don't know whether it was one year before, or two years after? A No sir, I don't.
- Q It may have been 5 years afterwards? A I couldn't tell.
- Q You have got no idea about that? A No sir.
- Q You had no education before this, you couldn't read and write at this time? A No sir.
- Q You would not like to be positive about this like that? A No sir.
- Q Did Mose Hardrick lose any children? A Not that I know of.
- Q Did Jeff Lyons ever lose any? A Not that I know of.
- Q Did Nels Moore ever lose any? A Not that I know of.
- Q Did anybody else in that country ever lose any? A Not at that time you speak of.
- Q I don't mean at that time, did Mose, Jeff or any of your neighbors in that country at any time after that have any children to die? A They had some to die.
- Q Who? A I don't know, Mose Hardrick might have lost some too.

- Q Well how long afterwards? A I couldn't tell you.
- Q Don't you know the date Moss lost his children? A No sir, I don't.
- Q But they were after that time? A Yes sir, I suppose they were.
- Q Well how long did you live there in that neighborhood after that?
- A Why we moved away from there, we didn't live so long awhile before we moved away.
- Q About how many years? A I guess it was a year, or it may have been a little longer.
- Q May have been two or three years? A Yes sir, before we moved away from there, no not quite that long, probably a year or two years.
- Q Probably two years? A Yes sir, before we moved away from there.
- Q How far did you move from there? A I don't know.
- Q In the same neighborhood? A No sir, we moved on the filmore Hicks place.
- Q How far from this Thompson place? A I don't know just how far.
- Q About 5 or 6 miles? A Yes sir, I guess it was.
- Q Do you know what year you moved down there? A No sir, I don't.
- Q How long did you live down there? A About two seasons.
- Q Do you know what year you left down there? A No sir.
- Q It is a pretty long time ago to testify about things that happened then, aint it? A A good while.
- Q Were you married afterwards or were you married at that time?
- A Married afterwards.
- Q What year were you married? A I was married in, I would not be positive, I was married in '74.
- Q You would not be positive about that? A I think it was.
- Q Do you know what year they made the Wallace Roll? A If I mistake not I think it was in '95 or '96, something like that.
- Q That is when they made the Wallace Roll? A I think it was.
- Q How when did they make the Kern-Clifton roll? A I disremember, I won't be positive about that.
- Q You don't know what year the freedmen drew their first money do you? A No sir, I don't.
- Q You don't recollect the years of any of the payments? A There was one payment I could tell you and that was the 1880 payment. I think they paid once in '80.
- Q In that same year of 1880? A I think they paid off money that year.
- Q What time of the year? A I don't remember.
- Q You don't recollect it? A No sir.
- Q Don't know whether it was spring, fall, summer or winter? A No sir.
- Q Don't know where you were living? A Yes sir, I was living on Spring Creek.
- Q You said you were living on the Johnson Thompson place, when did he come back there after the war? A I don't know.
- Q Don't you have any idea? A No sir.
- Q Well you knew Johnson Thompson? A I was just acquainted with him, they would say it was him.
- Q He was afterwards a merchant up there? A He was?
- Q Wasn't he? A I suppose so.
- Q Don't you know that? A They say he was a merchant.
- Q Didn't you never see him? A I saw him at a distance but never went to his store.
- Q Didn't you never know where he lived? A Johnson Thompson's place was on this side of the river and the old place we moved on was on the east side of the river.
- Q How far were those two places apart? A They are not very far apart, the river is between them.



- Q And you claim you lived at one place and the river is just between you and the other? A Yes sir.
- Q You don't have any idea at all when Johnson Thompson returned to that place? A No sir.
- Q Don't have the slightest idea about it? A I could have a slight idea but that would not do me any good to tell it.
- Q What is your judgment about it? A I don't know, I couldn't tell you.
- Q You have got no judgment at all about it? A When he returned?
- Q Yes? A No sir, I have seen him.
- Q How did Mose come down there? A I couldn't tell you.
- Q You don't have any idea? A No sir.
- Q Did he have a wife? A Not when I saw him.
- Q Well how many years afterwards before he brought his wife? A I couldn't tell you.
- Q As much as 3 or 4? A I don't know.
- Q Is that your judgment? A I couldn't tell you when I saw Mose Hardrick, I saw him personally---
- Q How many years after that before you saw his wife and family?
- A I guess probably a month, or two or three months when I saw his family.
- Q Where were you living when you saw his family? A Down on the river below there. I was staying with my Aunt on the Reuben Downing place.
- Q I thought you lived at the Dr. Thompson place? A I did when I saw him, but when I saw his wife I am telling you.
- Q When did you leave the Dr. Thompson place? A I don't know.
- Q How long after Christmas? A Quite awhile.
- Q Two or three months? A I couldn't tell just when it was we left that place.
- Q What is your best judgment about the time you left there? A Well I don't know, you see we went to school there.
- Q There on the Thompson place? A Yes sir.
- Q You said that started up in March, so you were still on the Thompson place in March? A Yes sir.
- Q And you yet hadn't seen Mose Hardrick's wife when you left that place? A Yes sir, I was at my aun't before.
- Q That was after you left the Thompson place? A Yes sir.
- Q Then that was after March? A I suppose so, when I saw his wife.
- Q Then he didn't have any wife there when you first saw him? A No sir, I saw him personally.
- Q Anybody else with him? A Nobody with him when I saw him.
- Q Were you living in one of Dr. Thompson's house? A We were living there in the old brick house.
- Q Where did he come from? A Come from across the river when he come there.
- Q He wasn't living in that house? A No sir, not the first time.
- Q He wasn't living there until after you left? A After we left he moved there.
- Q Anyhow up until the time you left and you stayed there until after March, 1867, he never lived in that Dr. Thompson house?
- A No sir, he wasn't there when I left, I suppose he moved in after we left.
- Q Well you never saw Jeff Lyons there at all? A Yes sir.
- Q When did you see him there? A I saw Jeff there just a little before Christmas or just after Christmas.
- Q Did he have his wife? A Yes sir.
- Q The first time you saw him? A Yes sir.
- Q Where were they living? A Right there on the same place.
- Q On the Thompson place? A Yes sir.
- Q Did they live in the same house? A They lived in a little brick house. He moved in where she taught school in the little brick house.
- Q That was Jeff? A Yes sir.
- Q What was Jeff's wife's name? A Patience.

- Q That was Jeff Lyons' wife? A Mahala I mean.  
Q Now you say it was Mahala, you see her? A Yes sir.  
Q Did you see Butler McNair there? A No sir.  
Q You didn't see Tom Moore? A No sir.  
Q They never come there while you were at the Thompson place? A No sir.  
Q Now if I recollect right, you lived there at the Thompson place until after they started school there, and then afterwards moved down on the Downing place? A No sir, I didn't move down there, just went down there to stay a week or two with my aunt.  
Q You don't know where Mose come from when he come there? A No sir, I don't.

ON BEHALF OF THE COMMISSIONER:

- Q How old are you? A I am 54 years old.  
Q Your post office Catale? A Yes sir.  
Q Are you a Cherokee freedman? A Yes sir.  
Q Have you got any children? A Yes sir.  
Q What are their names? A Louvina Downing, Henry, Walter, Maggie and Lydia.  
Q Are they enrolled with you? A Yes sir.  
Q Are you on the roll as Jennie Duncan or Jennie Downing? A Jennie Downing.  
Q Is your husband's name Zebide Downing? A Yes sir.

The records of this office show that on May 10, 1901, Zebide Downing appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of, among others, his wife, Jennie Downing, as a Cherokee freedman, and gave her age as 43 years at that time. The correctness of his testimony is corroborated by her enrollment upon the 1880 authentic roll of citizens of the Cherokee Nation, her age appearing upon that roll as 22 years.

WITNESS EXCUSED.

JOE BEAN, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Joe Bean.  
Q What is your age? A 60.  
Q What is your post office address? A Chaffee.  
Q Are you acquainted with the applicant, Mose Hardrick? A Yes sir.  
Q Did you know Jeff Lyons in his life time? A Yes sir.  
Q Did you know his wife, Jeff's wife? A Yes sir.  
Q Where were you in the year 1866? A I was down here.  
Q Down where? A Down here in the Nation.  
Q Cherokee Nation? A Yes sir, come there to that Horse Creek fight.  
Q You were in the Horse Creek fight? A Yes sir.  
Q When was the first time you saw the applicant Mose Hardrick in the Cherokee Nation after the war of the rebellion? A I seen Mose Hardrick about 3 or 4 weeks after that Horse Creek fight, as well as I remember.  
Q Where was he then? A He was there on Grand River.  
Q When was the first time you saw Jeff Lyons after the war of the rebellion? A They were together when I met them.  
Q How long after the Horse Creek fight was it when you saw them? A I don't just remember how long it was, a month or such a matter, maybe have been longer.  
Q It may have been a month or six weeks after the Horse Creek fight? A Yes sir.

BY MR. HASTINGS:

- Q Where did you see them? A At the Dr. Thompson place.
- Q They were living there with their wives? A No sir, I didn't see their wives.
- Q Didn't have their wives? A Not over there.
- Q How long did you stay there? A Just a very short while, about two or three hours.
- Q You are not exactly positive as to the time you saw them? A Not exactly positive as to the time.
- Q No? A I am positive it was the same time right after the Horse Creek fight.
- Q But you don't know just when it was, you say directly afterwards? A No sir, I don't know just the date when it was.
- Q You were a slave? A Yes sir.
- Q You couldn't read and write at that time? A No sir.
- Q You didn't have any education at all? A No sir.
- Q How many years afterwards before you saw Moses wife, as many as two or three years? A No sir.
- Q About how many? A It was the next year I saw Moses' wife, I was up there. I saw them in the fall, along about ----
- Q As early as October? A Yes sir.
- Q Well it was before it got cold weather? A Yes sir, when I first seed Mose.
- Q The leaves were not dead on the trees then? A About just about the first frost.
- Q But you didn't see Moses wife? A No sir, not at that time.
- Q Was he living there at that time? A Don't know as he had, I don't think he was.
- Q You don't think his family was there? A No sir, I don't know as it was.
- Q Did you know Mose before the war? A Yes sir.
- Q Did you know his wife? A Yes sir.
- Q Did you inquire about her? A No sir, didn't ask him anything about where his family was at the time.
- Q You didn't see Jeff Lyons' wife? A No sir.
- Q Make any inquiries about her? A No sir.
- Q Did you know her before the war? A Yes sir.
- Q What year was the Wallace roll made? A I don't just remember.
- Q You are not good on dates anyway? A No sir, I aint good on remembering, picking up everything.
- Q Old slaves don't remember these dates very well? A Old slaves remember onething in this country, about when '66 was.
- Q You all remember 1866? A I do.
- Q You all know you have got to testify to as to 1866? A Yes sir.
- Q And that has been talked to you fer 10 or 15 years? A Yes sir.
- Q It was talked to you when the Wallace roll was made? A Yes sir, before that.
- Q What year were you married? A I don't remember, never kept no record of it.
- Q Have you got any children? A Yes sir.
- ~~Q Do you know what year the first one was born? A No sir.~~
- Q It is pretty hard for an old slave to be correct about dates aint it? A Yes sir.
- Q You don't know when your second child was born do you? A No sir, I don't remember.
- Q How many did you have Joe? I believe I have got it.
- Q You don't know when any of them were born? A I don't remember the year they were born. The children got so they could read they put it down, I didn't keep no trace of it, I didn't have to.
- Q So you don't know about any of the dates of their birth? A I don't remember.
- Q Did you ever lose any children? A Yes sir.
- Q Was it your oldest one? A No sir.

- Q You don't remember what year it died, do you? A No sir.
- Q Did you lose more than one? A Yes sir.
- Q How many have you lost Joe? A 8.
- Q You have lost 8? A Yes sir.
- Q You don't mean you have got 14 living? A No sir.
- Q Had 14 all together and have lost 8? A Yes sir.
- Q Do you know the year any one of them died? A No sir.
- Q You don't know any of these years do you? A Yes sir. I don't really keep track of none of the years now, but I had to ~~know~~ keep track of '66.
- Q That is all you kept track of? A That is all I tried to keep track of.
- Q Who come to you and talked to you about testifying in this case? A Nobody.
- Q Nobody never talked to you ~~at~~ at all as to what you would testify? A I don't remember any person.
- Q Don't remember any person ever having talked to you about testifying in this case? A I don't remember nobody.
- Q Well now you are positive about that? A No sir, I aint positive about it.
- Q I want you to tell if anybody ever talked to you about testifying in this case? A Some person I disremember who it was, whether it was Mose, I believe it was Mose asked me if I would testify in his case.
- Q When did you see Mose, yesterday? A I saw him yesterday and I saw him sooner.
- Q When did he first talk to you about testifying in this case? A It has been about two months ago.
- Q Did you make an affidavit in this case? A No sir, I don't remember anything about that.
- Q And you don't remember how long it was after you first saw Mose before you saw his wife? A No sir, I don't remember how long it was.
- Q May have been two or three years? A No sir, it wasn't that long.
- Q May have been a year? A I don't think it was that long.
- Q You are not going to be positive about that? A No sir, I wont be positive.
- Q How long was it before you saw Jeff's wife after you saw Jeff? A Saw them about the same time.
- Q The two women? A Yes sir.
- Q Did they have any children then when you first saw them? A Yes sir.
- Q Now what children did Mose have? A I don't remember the children's name, I never paid attention to them. I was very well acquainted with the men and I never paid any attention to the children.
- Q Did Jeff have any children? A Yes sir.
- Q Do you remember their names when you first saw his wife? A As well as I remember they had three children there.
- Q How far did you live from the Dr. Thompson place? A 8 miles.
- Q Were you ever up there after October? A Yes sir.
- Q When was the next time you were up there? A It was -- I don't know I wasn't up there any more until the next spring. Along in the spring I went up again.
- Q March, April or May? A Yes sir, it was in May, I think as well as I remember. Corn was up pretty good.
- Q Do you know this woman who left the stand, Jennie Downing? A Yes sir.
- Q Did you see her there when you were there the first time? A I don't remember.
- Q Did you see Nels Moore? A I don't remember seeing him.



- Q Did you see Tom Moore? A I don't remember.  
Q Did you see Butler McNair? A No sir.  
Q On whose place did you live 8 miles south? A I stayed on Crap Lynch's place.  
Q Was Crap down there at that time? A Yes sir, he was on the old---  
Q Arsenic place? A No sir, it is the old Landrum place. Charles Landrum.  
Q Did you know Johnson Thompson. A Yes sir.  
Q Was he living up there just across the river from this Fr. Thompson place? A I didn't see him.  
Q Did you see him the next spring? A No sir.

BY MR. STARR:

- Q Was it in the fall of the same year that the Horse Creek fight occurred upon Horse Creek in the Cherokee Nation that you saw Jeff Lyons and Moses Hardrick up there?

Mr. Hastings: Objected to by the representative of the Cherokee Nation as this question is about as leading as one could possibly be, because it places the material facts in the mouth of the witness and allows him to answer it by yes or no.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir.

- Q Is that the way you fix the date that you saw them up there?

Mr. Hastings: Objected to because that is leading.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir, that is how come me to remember.

ON BEHALF OF THE COMMISSIONER:

- Q Have you ever testified in this case before? A No sir.  
Q How far do you live from Mose Hardrick now? A 40 miles I reckon.  
Q Have you lived that distance from him for the last 5 years?  
A Yes sir.  
Q Have you seen him frequently during that time? A Yes sir, I have seen him.  
Q Did you see him a number of times when the Commission was making the Cherokee roll out in camp? A Yes sir.  
Q Did he ever say anything to you at that time about getting you to testify for him? A No sir.

~~With~~ WITNESS EXCUSED.

ZEP DOWNING, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q What is your name? A Zep Downing.  
Q About how old are you? A About 56 years old.  
Q What is your post office address? A Catale.  
Q Where were you living in the winter of 1866? A I was living on Grand River.  
Q Were you acquainted with Mose Hardrick before the war? A Yes sir.  
Q Did you know Jeff Lyons before the war? A Yes sir.  
Q Were you acquainted with Butler McNair? A Yes sir.  
Q And Tom Moore? A Yes sir.  
Q Do you know or remember the first time that you saw Jeff Lyons after the close of the war, about the time? A It was about the time, along about winter, something long after February, '66, something along there.



- Q February, 1866? A Yes sir, as near as I can come at it, along in the winter.
- Q Along in what winter? A Winter of '66, along about February, latter part, might have been before.
- Q Was that February 1866 or February 1867? A It was February, '66 is what I understand.
- Q Where did you see him? A I saw him up there at the Thompson Place.
- Q What Thompson place? A Dr. Thompson place.
- Q Did you ever go to school there? A Yes sir, I went to school there.
- Q Do you remember whether or not Mike Moore went to school there when you did? A Yes sir.
- Q When was that school going on there? A Something along near that time or little after, along about that time.
- Q About what time? A February or March, something along there.
- Q Now that was February or March of what year? A '66, that is as near as I can come at it.
- Q Where did you first see Jeff Lyons? A There is where I first saw him ever there.
- Q Was he living there or how did you happen to see him? A He had just come there then, and then shortly afterwards I saw him there and all his family.
- Q When was the first time you saw Ness Hardrick? A It was some time shortly after that. I just don't exactly know the date but a short while after, I saw Ness Hardrick, must have been along in the latter part of that month, but it was shortly after wards, it was in the winter.
- Q Were they moving in there or living there? A They were moving in.
- Q Do you know where they were moving in? A They were coming from across the river.
- Q You say that that was in February, or about February I believe, 1866? A Yes sir.
- Q Did that follow the year 1865 or was it, --I want you to fix it definitely whether that was February 1866, or 1867, whether it followed 1865 or 1866? A It was February of '66.
- Q That followed then the Christmas of 1865? A Yes sir.
- Q That followed the fall of 1865? A Yes sir.

BY MR. HASTINGS:

- Q Can you read and write? A No sir.
- Q Never could read? A No sir.
- Q You were a slave yourself? A Yes sir.
- Q Did you know Jennie Downing, who was on the stand? A Yes sir.
- Q She is your wife? A Yes sir.
- Q Where were you living at the time you say you saw Jeff Lyons first?
- A I was living down in the bottom below old Dr. Thompson place.
- Q How far? A About 3 miles.
- Q Did you see Andy Frye up there at that time? A Yes sir.
- Q Did you see Nels Moore up there? A Yes sir.
- Q That was the same time you saw these people and it was about the last of February? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q Is Jennie your wife now? A Yes sir.
- Q Do you live together? A Yes sir.

BY MR. PATTEN:

- Q When did you come down here Feb? A I came here in the early part of 1865 or '66.

- Q Now which was it? A Which?  
Q When did you move on that Thompson place or in that neighborhood, where you were living? A In '66.  
Q What time of the year? A Along in the fall. My father was already living there.  
Q Were you out of the Cherokee Nation during the war? A Yes sir.  
Q You are certain that that was February 1866 and not February, 1867? A It was February '66.

W I T N E S S E X C U S E D .

THOMAS H. MOORE, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Thomas H. Moore.  
Q What is your age? A 55  
Q What is your post office? A Ketchum, I.T.  
Q Are you acquainted with the applicant, Moses Hardrick? A Yes sir.  
Q Did you know Jeff Lyons in his life time? A Yes sir.  
Q Did you know Mike Moore? A Yes sir.  
Q Did you know Butler McNair? A Yes sir.  
Q Where were you living in the fall of 1866? A Living on Bob Daniels place.  
Q Which Bob Daniels was that, or was there more than one? A Yes sir, there are two Bob Daniels.  
Q Where were they located? A One is on the south side of the Grand River and the other on the northwest side of Grand River.  
Q Do you know where the Dr. Thompson place is located? A Yes sir.  
Q Which way is one of these Bob Daniels place from Dr. Thompson, the one on the east side? A South of Dr. Thompson's place.  
Q Now where is the other one? A I would call it on the north side the way the river runs.  
Q How far is it from the Dr. Thompson place? A As near as I remember about a mile.  
Q Did you see Jeff Lyons any time after the close of the Civil war? A Yes sir.  
Q Where did you see him? A At the Dr. Thompson place.  
Q When was that? A In the winter of '66.  
Q What time in the winter? A Sometime along after Christmas.  
Q How long after Christmas? A A short time.  
Q Well about what month was it? A About January I reckon.  
Q Where was he then? A He was up at the Thompson place.  
Q Did you see Mose Hardrick? A Yes sir.  
Q When was that? A He lived at that Thompson place too.  
Q What place did he live on? A He lived on the same place.  
Q That is on Dr. Thompson's place? A Yes sir.  
Q When was it you saw him there? A It was along that same spring and winter.  
Q What kind of a house was there on that Dr. Thompson place? A Brick house.  
Q Who was it that lived in those houses at the time you are speaking about? A Why Andy Frye.  
Q Who else? A Mose Hardrick lived in one.  
Q Who else? A Jeff Lyons lived there.  
Q Any one else? A Tobe Schrimsher.  
Q Who else? A Peter Williams.  
Q Butler McNair there? A Yes sir, and Uncle Tom lived there.  
Q What time was it that Andy Frye went into that house? A In the fall.

- Q Of what year? A '66.
- Q He lived there th t winter did he? A Yes sir.
- Q How was there any crop made on that place during the spring of 1867? A Yes sir, I think they made a crop there.
- Q Was there any school taught there? A Yes sir.
- Q Who was the teacher? A Mrs. Lynch now, she was---
- Q What is her first name? A Cynthia Lynch.
- Q Did you go to that school? A Yes sir.
- Q Do you remember Mike Moore, whether he went to that school or not? A Yes sir.
- Q When did he go to that school? A That spring of '67 as near as I can remember.
- Q Did he go all of the season? A Yes sir.
- Q Do you remember anything about the time Harvey Frye died? A Yes sir, I know when he died.
- Q Do you know who dug the grave? A Uncle Jeff Lyons and my step-father.
- Q When did you see Butler McNair around there? A That was sometime in the early part of that same spring they were farming there, all making crops there.
- Q Did Butler McNair have his wife with him when he come down here? A No sir, I don't think he did.
- Q When did she come? A I don't know.
- Q Did you ever see her? A Yes sir.
- Q When? A Why later, after that.
- Q Good while afterwards? A Yes sir.
- Q Did old man Tom Moore bring his wife down there when he first come? A No sir.
- Q When did she come? A I think the next fall after he made a crop.
- Q Did he go back to Kansas and get her. A Yes sir.
- Q Where did Butler McNair move when he left the Dr. Thompson place? A Down the river some place to the old home place where he used to live.
- Q Where did Tom Moore go to from there? A Built a house right close to where my brothers live now and died right there.

BY MR. HASTINGS:

- Q What year were you born? A 1851.
- Q You was just a boy then at the close of the war? A Yes sir.
- Q You were a slave were you? A Yes sir.
- Q Could you read and write when the war closed? A I couldn't very much, have learned a little since then.
- Q I said when the war closed? A No sir.
- Q Did Andy Frye have any children to die besides Harvey? A I don't know.
- Q You lived in that same neighborhood don't you? A Yes sir. Well he had some more to die after that.
- Q How long after Harvey died? A I don't know.
- Q Two years or 10? A I don't know.
- Q Haven't you got no better judgment, whether it was 5 or 15? A I couldn't tell you.
- Q Do you know who dug the grave? A I wasn't there. I was at the burying.
- Q At the other children? A I was at the burying when they buried Joe.
- Q Was he a girl or boy? A He was a man.
- Q Do you know when he died? A I don't know the year.
- Q But you were at his burial? A Yes sir.
- Q You were there in the neighborhood when he died? A Have been there all my life.
- Q You don't know who dug that grave? A The neighborhood dug it there, no certain person.

- Q Well did Mose Hardrick have any children to die? A Yes sir, he has got dead children.
- Q What were their names? A Got one dead named Winnie.
- Q Now who dug these graves for Mose Hardrick's children? A Why all the neighborhood the men around there.
- Q You don't know who did it? A Just all of us.
- Q No particular one? A No sir, a whole lot of us.
- Q What year was it? A Somewhere a way back yonder in them days.
- Q Can you come in 10 years of when either of them died?
- A This girl when she died she was about grown, and I guess it has been about that long since she died.
- Q It has been about that long? A May be longer, I don't know.
- Q I am asking you if you can give us an estimate of within 10 years of when she died? A I don't know when she died or anything like that.
- Q Didn't keep any record of these dates? A No sir.
- Q Are you related to Mose Hardrick? A No sir.
- Q Are you related to Jeff Lyons? A No sir.
- Q Are you related to these Moore children? A Yes sir.
- Q Do you know Mike Moore? A Yes sir.
- Q What kin is he to you? A Yes sir.
- Q You know his mother Mahala? A Yes sir.
- Q Was she back there with Jeff Lyons, did she come with him when he first come? A No sir, he went back and got her.
- Q Then about how old was Mike when the war closed? A I don't know, might have been 7 or 8 years old, maybe older, I don't know.
- Q What is your best judgment? A About 8, maybe 10.
- Q How old was he when he come down there after the war? A That is what I mean about that old, I suppose, I didn't know anything about his age. That is as near as I can guess at it.
- Q You don't know what year he was born? A No sir.
- Q When did you first come back to the Cherokee Nation? A Come in the fall of 1865.
- Q What place did you come to? A Stopped at Johnson Thompson place.
- Q How long did you stay there? A About four weeks.
- Q Then ask where did you go? A Moved across the river to the Bob Daniels place.
- Q Was that across the river? A Yes sir, on the south side of the river.
- Q How long did you stay there? A I don't know exactly how long we stayed there, just a short time.
- Q Where did you come to from there? A Fort Gibson.
- Q Then how long did you stay at Fort Gibson? A During that winter until the next spring.
- Q Stayed there from the winter of 1866 until the spring of 1867?
- A Stayed there until the spring of '66, until the winter of '66 to the spring then we moved back.
- Q Then you remained in Fort Gibson until the spring of '66? A No sir, we were up-----
- Q How long did you remain in Fort Gibson? A Stayed there,-- we remained there a couple of months maybe a little longer, I don't know.
- Q Well what time did you go there? A Went there that winter. Winter after Christmas and stayed there until spring, then we moved back up to this Daniels place.
- Q To the Bob Daniels place? A Yes sir.
- Q Which Bob Daniels place did you move to? A The one on the east side of the river.
- Q How far was that from the Dr. Thompson place? A About a mile and a half south I reckon.

- Q Now about what time in the spring did you go to this Daniels place? A It was along the time to farm, to make a crop.
- Q Did you make a crop there in the spring of 1866? A Yes sir.
- Q Where were you in the spring of 1867? A I was on this same place.
- Q Did you make a crop there in the spring of 1867? A Yes sir.
- Q When did Bob Daniels come back? A In the fall of '66.
- Q Did he move back on this place in the fall of 1866? A Yes sir, we had to move out and he moved in.
- Q About what month? A I don't know what month.
- Q What was Bob Daniels' wife's name? A Ann Daniels.
- Q Did he have any children? A Yes sir.
- Q What were their names? A Ose, Dick, Tommy, Isaac.
- Q Mrs. Strout one of them? A Yes sir.
- Q She was up there when you moved out? A Yes sir, and Susie was one of them.
- Q They moved in there in the fall of 1866 when you moved out? A Yes sir.
- Q About what month was that? A It was in the fall.
- Q How long after that now was it before you saw Jeff Lyons and his wife down here? A Why as near as I remember along in the spring of '67.
- Q That is when you saw Jeff Lyons and his wife? A No sir, saw Jeff along that winter.
- Q About how long after you moved out of this Bob Daniels house before you saw Jeff Lyons? A They were all living there before, Jeff and them.
- Q What time was it Jeff come there? A In the winter.
- Q You say Bob Daniels came up there in the fall of 1866 with his family and you moved out and they moved in? A Yes sir.
- Q How long after you moved out of Bob Daniels house and he moved in was it that you saw Jeff and Mahala and Mose and these others? A They were all living there.
- Q Haven't you already sworn that you didn't see them until the winter of 1866? A Yes sir, I seed them in the winter of '66.
- Q Well now you moved out of the Bob Daniels house in the fall of 1866? A As near as I remember.
- Q Well the fall come before winter, didn't it? A That was in the fall we moved out of there.
- Q Then you saw Jeff Lyons and his wife and Mike about Christmas time of that winter, is that it? A Yes sir.
- Q Now where had you moved to when you moved out of the Bob Daniels house, did you move to another house in the same place? A Yes sir, a little bit of a house.
- Q A log house or cabin? A Yes sir.
- Q And you were living in that and Bob Daniels was living in the main house? A Yes sir.
- Q When you saw Jeff and his wife and Mose Hardrick and Mose's wife, is that the way of it, along about Christmas time? A They all lived there before that.
- Q Haven't you sworn that you never saw them until the winter? A Saw them the winter of '66.
- Q Haven't you sworn that you moved out of the Bob Daniels house in the fall of 1866? A Yes sir.
- Q Now don't the fall come before winter? A Yes sir.
- Q Then you had moved out of the Bob Daniels house, the main house in a smaller house when you first saw Jeff and Mose and their wives? A I saw them before that. Then people were all living there before we moved out.
- Q You moved out of the house in the fall of 1866? A Yes sir.
- Q You are a half brother of Mike, are you? A Yes sir.
- Q Are you any kin to Mels? A Yes sir.



- Q Have you and Nels been in discussing the case? A No sir.
- Q Didn't I see you not half an hour ago down there talking about it? A I don't know whether you did or not.
- Q Were you not? A I don't know.
- Q Do you deny talking about it? A No sir, might have been talking about something else.
- Q This same man Nels is a witness here? A Yes sir.
- Q You have talked about it? A Yes sir.
- Q You and Andy Frye have talked about it? A Yes sir.
- Q Are you married? A Yes sir.
- Q Certain of that? A Yes sir.
- Q I am glad you are certain of something. What year were you married? A Married in '21.
- Q Was that the first time you were ever married? A Yes sir.
- Q Then you lived single up until that time? A Yes sir.
- Q Just went from place to place up there? A No sir.
- Q Do you know when the Wallace roll was made? A Yes sir.
- Q What year? A Made in 1889.
- Q Who told you? A I was there.
- Q Did Gale Starr tell you today? A No sir, I was there.
- Q Has he ever told you? A Has he?
- Q Yes, in the last few days? A No sir, he didn't tell me.
- Q Has it ever been discussed? A No sir, I don't know nothing about it.
- Q Has it ever been discussed in your presence and hearing? A I have been knowing it.
- Q Has it been discussed in the last day or two in your hearing that I was likely to ask that question? A No sir.
- Q You never heard the Wallace roll mentioned in the last two or three days? A Might have heard it mentioned but I never kept no count of that.
- Q Did you stay on the Bob Daniels place the following year after Bob Daniels returned in the fall? A No sir.
- Q How long did you stay there after Bob Daniels come back? A Short time, a week or two, maybe a month.
- Q Then where did you go? A Right where we have been living ever since.
- Q How far is that from them? A About three miles.
- Q What direction? A Why it is northeast.
- Q What time did you move up there, what time of the year? A We moved up there in the spring.
- Q I thought you said you stayed there a week or two after Bob Daniels come back and he come in the fall? A Well now it may have been, I may be mistaken.
- Q It is a long time ago aint it Tom? A Yes sir.
- Q You were a small boy at that time? A Yes sir.
- Q You had no reason to fix these things on your mind and you didn't know you were going to testify about 40 years afterwards? A No sir.
- Q So you might be mistaken about it? A Yes sir.

BY MR. STARR:

- Q When did you say you were born? A '51.
- Q You were about 15 years old at that time? A Yes sir.
- Q How was it in the fall of 1866 or fall of 1867 that you moved off the Daniel place? A It was in the fall---
- Q Was it the fall after you went to school to Cynthia Lynch? A Yes sir.
- Q Was it the fall after Harvey Frye died? A Yes sir, we were living up where we live now when Harvey Frye died.
- Q Where were you living when Harvey Frye died? A Living where I live now.

- Q Tell now at this time that Harvey Frye died were you going to school at this Dr. Thompson place? A Yes sir.
- Q Was Andy Frye and his family living in the Dr. Thompson house then? A Yes sir.
- Q How about the school when Harvey died, did they teach school that day? A No sir.
- Q Turned out school on that occasion? A Yes sir.
- Q Did the pupils going to school attend the funeral? A Yes sir.
- Q Was Mike Moore at that funeral?

Mr. Hastings: I want to object to these leading questions.

On behalf of the Commissioner: The objection will be noted.

A All of 's, yes sir, he was going to school.

BY MR. HASTINGS:

- Q That was after you moved off of the Bob Daniels place? A Yes sir.
- Q And that was after Bob Daniels had moved into the same house you moved out of? A Yes sir.
- Q About how long after that? A It was along in February, that spring, the spring of '07.
- Q It was along in the spring after you moved away from the Bob Daniels place? A Yes sir.
- Q And after Bob Daniels had moved back into the house the next spring? A Yes sir.

BY MR. STARR:

- Q When did Bob Daniels move up there? A He moved there that fall we moved out as near as I remember.

W I T N E S S E X C U S E D .

SIMON LYNCH, being first duly sworn, testified as follows:

BY MR. PATTER:

- Q What is your name? A Simon Lynch.
- Q How old are you? A 76.
- Q What is your post office address? A Spavinaw.

BY MR. HASTINGS:

- Q Were you ever convicted of larceny in the Cherokee Courts? A Yes sir, I was.
- Q Convicted? A Yes sir.
- Q Served your time? A No sir, I didn't.
- Q Didn't you go to the Cherokee Penitentiary at Tahlequah? A No sir, I went there and stayed about a hour and I was reprieved.
- Q Didn't you work it out for individuals and you worked of Johnson Thompson at Tahlequah? A I was reprieved by the Chief.
- Q Did you ever swear that before on the stand? A No sir, but I was.
- Q What year was that? A I don't know what year it was.
- Q Was it since the war? A Yes sir.
- Q How long after the war? A I don't know.
- Q Don't have any idea? A No sir.
- Q Was it after the Cherokee Jail was built or before? A Afterwards.
- Q How long did you stay in and about Tahlequah? A I stayed there 3 or 4 weeks.
- Q How long were you sentenced down there? A Year.
- Q What Judge tried you? A I forget what one it was.
- Q What Chief reprieved you? A Gabelata.

BY MR. PATTEN:

- Q You testified I believe didn't you in the Hayfield that you were pardoned by Congress? A Yes sir.
- Q Were you acquainted with Mose Hardrick before the war? A Yes sir.
- Q Were you acquainted with Butler McHarris? A Yes sir.
- Q Jeff Lyons? A Yes sir.
- Q Tom Moore? A Yes sir.
- Q Do you know what was the first time you saw Mose Hardrick after the close of the war, about the time? A I don't know exactly the time.
- Q When was it and where was it? A Upon Grand River.
- Q About what time of the year? A About in February, I believe, the first of February I think I saw Mose first.
- Q Where was he living? A Living over there at Dr. Thompson place right close there in a house.
- Q When was the first time you saw Jeff Lyons? A Just before Christmas before that.
- Q Where did you see Jeff? A Over there in Six Mile Bottom, I was at George Clark's.
- Q That was about when did you say? A Just awhile before Christmas.
- Q You say you saw Jeff Lyons one place and Mose Hardrick another there, was that on different sides of the River? A Yes sir.
- Q Now which one was it that you say that you saw on the Dr. Thompson place? A Jeff Lyons lived there first.
- Q And at that time where was Mose Hardrick if you know? A He was camped there until he got that Cherokee house, then he went in it.
- Q That was about what time that he was camped on the Creek? A I can't just recollect just what time but then it was somewhere about the first of February.
- Q And at that time you say Jeff Lyons was living where? A At Dr. Thompson's place.
- Q That was in what year? A That was in '66, winter of '66.

BY MR. HASTINGS:

- Q You don't know what year you were tried? A No sir, I don't know nothing about what year I was tried.
- Q You don't know what year you were reprimanded? A No sir, I don't, I can't keep no record of that, never did, couldn't.
- Q Couldn't do that? A No sir.
- Q You don't know one year from another, do you? A Yes sir, I do.
- Q Can you read and write? A No sir.
- Q You were a slave yourself? A Yes sir, I was.
- Q Do you know this Tom Moore that was on the stand awhile ago? A Yes sir.
- Q Where was he living when you saw Jeff Lyons? A He was living at the Bob Daniels place there on the river with his mother and father.
- Q Did he move out of there in the fall of 1866? A What?
- Q Tom Moore? A I don't just know when he did move out of there.
- Q You don't remember about that? A No sir, I lived at another place.
- Q How far did you live from there? A About four miles.
- Q Were you married then? A Yes sir.
- Q Have you had any children born since? A Yes sir.
- Q Since then? A Yes sir.
- Q When was the first one born? A I don't know that.
- Q How many have you had born since the war? A Three I believe.
- Q When was the second one born? A I don't know, I can't tell you.
- Q When was the third one born? A I don't know that either, never kept no record of no time.

- Q did you ever have any renters on your place? A Yes sir.  
Q What renter was on there in 1885? A I don't know.  
Q What renter was on there in 1876? A Hare one, myself.  
Q Was any there in 1896? A Yes sir.  
Q Do you know when Bob Daniels come back up there? A Yes sir.  
Q When? A I don't know when it was, I know he come back up there.  
Q On the Bob Daniels place? A Yes sir.  
Q Why don't you know when it was, you were in that neighborhood?  
A I can't keep no record of anything of that kind. How I know how old I am is about my owners putting it down.  
Q That is about the only date you know? A No sir.  
Q You know what year Johnson Thompson come back up there? A I know when he first come.  
Q What year did he move up there? A I don't know, I seen him when he first come.  
Q What year did he move his family up there? A I don't know.  
Q You were just acquainted with him before the war? A Yes sir, knewed him good.  
Q He moved right across the river from Fr. Thompson's place? A Yes sir.  
Q You belonged to relatives of his? A Yes sir, belonged to his Uncle.  
Q Could you tell within two or three years of when he come? A No sir, I don't believe I could.  
Q You couldn't tell within two or three years when Bob Daniels come? A I don't know when he did come, he come way after we did.  
Q What year was it that Tom Moore moved off the Bob Daniels place?  
A I don't know.  
Q Haven't any idea about that? A No sir.  
Q Well was Butler McNair living there at the same time you first saw these people? A He come in about the same time.  
Q Before Christmas, 1866? A Yes sir.  
Q What was Butler's wife's name? A He didn't bring her there with him, he left her in Kansas and come down here and made a crop.  
Q What was her name? A I forget her name.  
Q Did Jeff bring his wife? A No sir.  
Q Left her in Kansas did he? A Yes sir.  
Q Left Mike in Kansas too? A I don't recollect about Mike.  
Q You don't never remember seeing Mike? A Yes sir, I do.  
Q How long after you saw Jeff was it before you saw Mike? A I couldn't tell, I don't recollect.  
Q Now if any of these other witnesses testified that they brought their families when they come they are mistaken? A Yes sir, they didn't bring them.  
Q Well how long after Jeff and Mose come before they brought their families? A After they made a crop, the next fall.  
Q When did Tom Moore bring his family? A Fetched them together.  
Q In the fall? A Yes sir.  
Q So none of them didn't bring their families until the next fall?  
A Uncle Butler didn't, the balance did.  
Q I thought you said Jeff Lyons didn't bring his family until the next fall? A Well it was just a mistake in me. They other two didn't bring their families.  
Q Did Jeff Lyons have his wife there when you first saw him? A Yes sir.  
Q What was her name? A Mahala.  
Q Now you just testified that you never saw Mike Moore until way afterwards? A I didn't say I saw Mike now.  
Q Did you ever see him after that? A Yes sir.  
Q How long after that? A I don't recollect.

- Q How year? A It might have been a year and it might not.  
Q When did you see Moses family? A I seen them right along all the time ever since in the fall.  
Q Did he have his wife with him? A Yes sir.  
Q Did Moses live in that Dr. Thompson house there with the rest of them? A He lived in a Cherokee house.  
Q He never lived in a main house there? A I don't know nothing about that.

WITNESS EXCUSED.

TOBE BEAN, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Tobe Bean.  
Q What is your age? A About 70.  
Q What is your post office? A Ketchum.  
Q What is your citizenship, are you a citizen of the Cherokee nation?  
A Yes sir.  
Q Where were you in the fall of 1866? A Down here on Grand River.  
Q What time did you comeback? A In the first of the fall sometime, I don't know the exact date.  
Q Were you acquainted with Jeff Lyons during his life time? A Yes sir.  
Q Acquainted with Mose Hardrick? A Yes sir.  
Q Did you know Mike Moore? A Yes sir.  
Q When did you see Jeff Lyons in the Cherokee Nation after the close of the Civil War? A About in '67.  
Q What time? A In February.  
Q Where was he at that time? A Over there at that Thompson place in the brick house.  
Q Are you acquainted with his wife? A Yes sir, I seed her after, didn't see her at that time.  
Q Did you see Mose Hardrick over there? A Yes sir.  
Q When was that? A The same time I saw Jeff.  
Q What time was that? A In February.  
Q What part of February? A Along about the first of the year.  
Q The first of February of 1867? A Yes sir.

BY MR. HASTINGS:

- Q Tobe you were a slave before the war? A Yes sir.  
Q Your name is Tobias Bean? A Yes sir.  
Q You never went to school any? A No sir.  
Q You didn't at the close of the war know one year from another?  
A Only people would tell me.  
Q That is all you have known about it since then? A Yes sir, that is all I know, just what people tell me, had no record or nothing.  
Q Never kept any record? A No sir.  
Q And you haven't kept any record of this transaction? A No sir.  
Q You are just testifying independently of any record? A Just what I know.  
Q Did you know young Tom Moore who has testified in here today?  
A Yes sir.  
Q Where was he living when you first saw Jeff Lyons and his wife?  
A Over there on the other side of the river.  
Q On the Bob Daniels place? A On the Thompson place I reckon, one of them.  
Q On the Dr. Thompson place? A Yes sir.  
Q Was he living there when you saw Jeff Lyons and Mose? A No sir, I saw them at Andy Frye's house.



- Q Where did you see Tom Moore, this fellow that testified? A He was there in the neighborhood somewhere.
- Q At what place was he living? A He was living there, I can't tell you exactly, I saw him at Andy's.
- Q Did he ever live on that Bob Daniels place, Tom Moore? A Yes sir, I think he was living there with his step-father.
- Q What was his step-father's name? A Lewis Rowe.
- Q Was he living there when Bob Daniels returned? A Yes sir, I think he was.
- Q When was that? A Must have been in '67.
- Q What time of the year? A Along in the spring I guess.
- Q Had he moved out of this place before you saw Jeff Lyons and Mose Hardrick? A I don't know whether he had moved or not, I saw him there where Andy Frye was living. I happened over there and saw him.
- Q Just happened over there by accident? A I had some business there.
- Q You saw Jeff's wife? A I don't think I did.
- Q Never saw Mose's wife there? A No sir.
- Q It has been a long time ago hasn't it to be? A Yes sir.
- Q A fellow 40 years ago when just dependent on his recollection might be mistaken one or two or three years, mightn't he? A Yes sir, sometimes.
- Q Have you had any children born since the war? A Yes sir.
- Q What year was the first one born? A In '66.
- Q What time in 1866? A In April.
- Q Where was the first one born, in the Cherokee nation, what year? That one was born in Kansas? A Must have been born about '80 I think.
- Q You are not positive as to the year? A No sir, I aint positive of it. I can't keep any record.
- Q When was the next one born? What year? A '78 I think.
- Q Which comes first, '78 or '80? A '78.
- Q Well I thought you said just now the one born in '80 was first?
- A That one was born,--the girl was born in '80, the boy was born about '78.
- Q Now how far is the Johnson Thompson place from this Dr. Thompson place? A A couple of miles the way you go around.
- Q Just across the River aint it? A Yes sir.
- Q When did Johnson Thompson come back? A I don't know.
- Q Could you tell within five years? A Yes sir, I guess I could. Come back in about '67 I guess, '68 somewhere along there. I didn't live right close to where he lived.
- Q You lived close to the Dr. Thompson place? A I lived about 8 miles.
- Q You didn't see Mose's wife when you went up there? A No sir, not the first time.
- Q How long was it that you did see his wife? A It was a way along in the spring.
- Q Did he tell you where his wife was? A No sir, I just happened to go by there and saw him, I had been acquainted with him before the war.
- Q Now you just remember of your own independent recollect of seeing this fellow when you passed there? A I stopped and talked with him.
- Q Do you remember any other man you saw there in the spring of 1867? A Yes sir, Andy Drye.
- Q Who else that didn't live there? A Uncle Lewis Rowe.
- Q Up at the Dr. Thompson place? A Yes sir.
- Q Live there? A No sir, I just went there and stopped and saw him there.
- Q In 1867? A Yes sir.

- Q Where were you going? A Up to Andy's.
- Q I thought you said you were passing there? A I did pass there.
- Q Didn't you go to that place? A Yes sir, then I had to go around to get home.
- Q Don't you know Mose and his wife was living in the house then?
- A No sir, I never went in the house.
- Q Did you see Tom Moore and his wife there, old Tom and his wife?
- A I don't recollect seeing them.
- Q Didn't recollect seeing Butler and his wife? A No sir.
- Q You don't recollect that? A No sir.
- Q You testified before the Commission at Chelsea on June 12, 1901, in the matter of the application of Ben Adams didn't you? A Yes sir.
- Q You testified that his father's name was Warren Adams? A Yes sir.
- Q You testified that his mother's name was Ibbie? A Yes sir.
- Q And you testified they they returned the latter part of 1866, didn't you? A It was '67 when I said they returned.
- Q Well now what time did you say that Warren Adams and his wife Ibbie, the parents of this Ben Adams, return? A I said in the spring of '67.
- Q What time did you say you saw them? A In the early spring.
- Q What month? A In March.
- Q I will ask you if in answer to this question, referring to Warren and Ibbie Adams, "When did they return," if you didn't answer "In '66, along about the latter part of '66." "They have this child Ben with them when they returned?" Answer, "Yes sir." "Where did they go up on Grand River," "How do you know they returned in 1866," answer, "I saw them," I will ask you if you didn't testify to that in that case before the Commission at Chelsea on June 12, 1901? A I think it was '66 or '67.
- Q You can say yes or no? A It was '67 I testified to.
- Q You swear you didn't say it then? A Well I swear it----
- Q And you don't know when Bob Daniels come back? A No sir.
- Q And you don't know when Johnson Thompson come back? A I was living down the river.
- Q They located within a mile of this Dr. Thompson place? A Yes sir.
- Q And you can't tell within a year of when they come? A I think it was in the winter of '66, I would not be certain, I couldn't swear to it, I don't recollect of these things like you folks.
- Q Who asked you first to testify in this case? A I don't know who. I have been testifying ever since Bob Daniels' Court.
- Q Bob Daniels was the man in the Court and he owned Mahala and Jeff Lyons' wife? A I guess he is the same man.
- Q Now you claim that this Jeff Lyons came back there within a mile of his wife's old owner, Bob Daniels? A Yes sir.
- Q Bob Daniels was an educated man? A Yes sir.
- Q On the Supreme Bench of the Cherokee Nation? A Yes sir.

W I T N E S S E X C U S E D .

Mr. Starr: The applicants ask to introduce the testimony of this witness in the cases of the descendants of Jeff and Mahala Lyons and Mike Moore in reference to the return of the wife of Butler McNair, and the wife of Thomas Moore.

NELSON MOORE, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Nelson Moore.
- Q What is your age? A Will be 53 my birth day.
- Q What is your post office? A Ketchum.

- Q Were you acquainted with Jeff Lyons during his life time? A Yes sir.
- Q Were you acquainted with his wife? A Yes sir.
- Q What was her name? A Mahala.
- Q Were you acquainted with Mike Moore? A Yes sir.
- Q Are you acquainted with the applicants, Altha and Oscar Moore? A Yes sir.
- Q Who is their father? A Mike Moore.
- Q Are you acquainted with Butler McHair? A Yes sir.
- Q Acquainted with his wife? A Yes sir.
- Q Acquainted with Tom Moore? A Yes sir.
- Q His wife? A Yes sir.
- Q Did you see Jeff Lyons after the close of the Civil War in the Cherokee nation? A Yes sir.
- Q When was that? A The first time I remember seeing Jeff was in the latter part of December or first of January, '66.
- Q The latter part of December, 1866? A Yes sir.
- Q Or January? A January first.
- Q The following January after December, 1866? A Yes sir.
- Q Where was he then? A On the Dr. Thompson place.
- Q Who did he have with him? A His wife, Mahala, and Mike Moore.
- Q And who else? A A girl named Anika, his stepdaughter.
- Q How long did he stay over there? Did he bring Mike Moore to the Cherokee Nation with him? A Yes sir.
- Q How long did he stay on that Dr. Thompson place? A He made a crop there.
- Q What year did he make a crop on the Dr. Thompson place? A '67.
- Q Did you see Butler McHair at any time down there? A Yes sir.
- Q When was that? A That was in the same year.
- Q What time did he come? A He came along about the winter time too.
- Q Who came with him? A Uncle Tom.
- Q Tom who? A Moore.
- Q Who else? A Why I know there was several of them, I don't remember who all were with them at that time.
- Q Did he come the same time Jeff Lyons came? A Yes sir.
- Q Now when did Tom Moore's wife come? A In the fall after that, of '67.
- Q When did Butler McHair's wife come? A The same time after they made a crop in '67.
- Q Where did Tom Moore move to after he left Dr. Thompson's place? A Right out about a half mile south of there and made a new place there.
- Q Make a place of his own? A Yes sir.
- Q How long did he live there? A Why he lived there up until he died in '85.
- Q You say a girl named Anika was staying with Jeff Lyons? A Yes sir.
- Q Did you see a woman named Peggy Durant with that crowd? A No sir.

BY MR. HASTINGS:

- Q You are the same Nelson Moore who testified in the case of Moses Hardrick before the Commission to the Five Civilized Tribes on February 8, 1902, are you? A Yes sir, I guess I am the same fellow.
- Q You gave your age 4 years ago as being 48 and your post office Ketchum? A Yes sir.
- Q And your District Delaware District? A Yes sir.
- Q You are the same Nelson Moore who testified in this case at that time? A Yes sir.
- Q Are you related to Mike Moore? A He is a half brother of mine.

- Q When ~~you~~ were you spoken to to come here as a witness in this case today? A It has been a good while.
- Q Who did you talk to about it? A Why the little boys, Alf and Oscar first asked me.
- Q Did you afterwards talked to Mr. Starr or Patten? A Yes sir, I talked to Mr. Starr some about the case.

W I T N E S S E X C U S E D .

ARTHUR BEAN, being first duly sworn, testified as follows:

BY MR. PATTEN:

- Q State your name? A Arthur Bean.
- Q How old are you? A 62.
- Q What is your post office address? A Chaffee, Indian Territory.
- Q Were you acquainted with Moses Hardrick before the war? A Yes sir.
- Q Were you acquainted with Jeff Lyons? A Yes sir.
- Q Were you acquainted with Tom Moore? A Yes sir, I got acquainted with him since the war.
- Q Do you remember of seeing Jeff Lyons in the Cherokee Nation after the close of the war? A Yes sir.
- Q When was the first time you remember of having seen him? A I guess it was along in the winter after Christmas awhile.
- Q The winter of what year? A I guess it must have been '67 when I seen Jeff Lyons.
- Q You mean the winter? A Of '67.
- Q You mean t at was following the Christmas of '66? A Yes sir.
- Q Where did you see him? A Down to,--I seen wese down in that country.
- Q Wese who? A Wese Hardrick.
- Q Where did you see him? A Down to Uncle Fred Martin's.
- Q Where is that? A Down to Greenbriar.
- Q Where was Wese living at that time, do you know? A He said up in the Arsonie settlement.
- Q Where was it? A About 8 miles above where we were.
- Q When was the first time you saw Jeff Lyons? A Along about that time, sometime about then. I didn't see Jeff the time I seen Wese, saw Jeff later on.
- Q At what place did you see him? A I don't know just exactly what place that was but it was somewhere down there about Uncle Griffin, Grand-dad Griffin was his name, he lived across the River in the Six Mile Bottom.
- Q These times you fix as seeing Wese Hardrick and Jeff Lyons is about when? A About February I suppose.
- Q Of what year? A '67 I guess.
- Q Do you know where Tom Moore and Butler McHair were at that time? A No sir.
- Q When was the first time you saw them? A I never seen them until way after that.
- Q Didn't see him until later on? A No sir, I wasn't acquainted with them until after that.

BY MR. HASTINGS:

- Q You never saw neither Wese nor Jeff until February, 1867? A Yes sir.
- Q That is your first time? A Yes sir, as well as I recollect.
- Q You are now testifying from your independent recollection, you haven't got anything to guide you by? A I never did have nothing to guide me by, only what I have to testify about.

- Q That has been a long time ago? A Yes sir, so it has.
- Q And it is pretty difficult to testify about things that happened, without some special note be made of them? A Yes sir. I can think of a good many things done before the war.
- Q Can you read and write? A No sir.
- Q You were a slave before the war? A Yes sir.
- Q Where was this young Tom Moore living when you first saw Moses and Jeff? A I don't know sir, he must have been living with his Uncle Tom.
- Q Were you acquainted with Moses before the war? A Yes sir, lived about two miles of him.
- Q Before the war? A Yes sir.
- Q Are you a brother of Tom who was on the stand awhile ago? A Yes sir.
- Q And Jeff? A Yes sir.
- Q When were you first talked to about testifying in this case? A I never talked about it to no one more than Uncle Moses asked me to come down on his case.
- Q When? A About a year ago I guess. I never went before the Commission on Moses case at all and he asked me to testify for him in the case.
- Q Where were you when he asked you? A I don't know where we met very frequently at Vinita.
- Q What month was it he asked you to testify? A I don't remember what month that was.
- Q And that was about a year ago? A Yes sir, and I didn't know any more about the case until he come to me and told me.
- Q You don't remember what month it was? A No sir.
- Q If you can't remember a month that happened a year ago how is it you can remember things that happened forty years ago? A 40 years ago, because it strikes my mind more than then do now.
- Q You were about 25 years old then? A Yes sir, I guess so.
- Q Are you married? A Yes sir.
- Q When were you married? A I guess in about '68, I guess, or '67.
- Q You don't remember the year? A No sir.
- Q You couldn't tell that? A I couldn't tell, I have got it in my book.
- Q But you cannot tell that independently? A I was married in '68 if I mistake not.
- Q Was it 1867 or '68? A I think it was '68.
- Q Are you positive about it? A I am pretty near positive but I won't be sure. If I was at home I would tell you, I would go by my book.
- Q You are not willing to trust your memory as well as you are the book? A No sir.
- Q If it wasn't for the book you couldn't tell? A I recollect back when I was a little slave boy.
- Q I am asking you now when your first child was born? A I couldn't tell x about that.
- Q How many children did you have? A I got two children living and 4 or 7 or 8 dead.
- Q When did your first child die? A That has slipped my remembrance.
- Q It has been a good long while? A Yes sir.
- Q You couldn't trust your recollection to that could you? A No sir.
- Q A man uneducated and a slave couldn't trust his memory to dates, could he? A No sir, not what year.
- Q And you don't know when any single one of them were born? A I know one of them was born in February, but I don't remember the year.
- Q When did Bob Daniels come back up in that country? A About '67.



- Q What time in 1867? A I don't know just what time.  
Q In January? A It might have been January, but it was in that year sometime I think.  
Q Well do you think it was in January or December? A I don't know, I couldn't say which year it was. It might have been in September and it might have been in October, I don't know just what time it was.  
Q You said it might have been in January awhile ago? A I might have been and it might have been some other month.  
Q What time did Johnson Thompson come back up there? A I don't remember just what time he came.  
Q You don't remember the year? A No sir.  
Q You don't remember on whose place this fellow Tom Moore lived on in the year of 1866? A No sir, I don't know anything about that. I wasn't acquainted with those boys, Tom Moore and old man Moore then.  
Q Never saw Butler McHair for a long time? A No sir, there was two, Butler McHair, old man, I never saw him for quite a while.  
Q How long afterwards before you saw old Tom Moore? A Not very long.  
Q Five years? A I guess it might have been a shorter time than that.  
Q Your best judgment, what was it? A I don't know anything about when I seen Tom.  
Q Well now your brother Joe married? A Yes sir.  
Q What year did he marry in? A I couldn't tell you that, he has been married twice.  
Q Do you know when he married either time? A I know he was married but I don't keep affairs of his marriage contract, if I could keep record of these things, I could remember them.

W I T N E S S    E X C U S E D .

ANDY FRYE, being first duly sworn, testified as follows:

BY MR. STARR:

- Q What is your name? A Andy Frye.  
Q What is your age? A Either 73 or 74.  
Q What is your post office? A Ketchum, Indian Territory.  
Q Where were you living in the fall of 1866? A I was living across the river there east of where I live.  
Q On what place were you living? A I was living on the Thompson place.  
Q Known as the Dr. Thompson place? A Yes sir.  
Q What time did you move on to that place? A I moved there in October.  
Q What year? A '66.  
Q Are you acquainted with the applicant, Moses Hardrick? A Yes sir.  
Q Were you acquainted with him when the war came up? A Yes sir.  
Q When did you see him after the close of the Civil war? A See him in '66,--along in '67.  
Q Where was it you saw him in 1867? A He moved in there on Dr. Thompson's place along in February, '67.  
Q What time in February? A Along about the first of February.  
Q How long did he live on the Dr. Thompson place? A He made one crop there.  
Q Where did he go to from there? A Just south of there, I don't know how far.  
Q Where did you move to from the Dr. Thompson place? A I moved a little southwest of there, right south of the place in the River bottom.

- Q Bob Daniels is the same man that sat on that Court in 1871? A Yes sir.
- Q And he owned this Mahala Lyons? A Yes sir.
- Q And you say they came before any of these others that you have mentioned? A Yes sir.
- Q You are positive about that? A Yes sir, I am positive, I know they did.
- Q Where did Jeff and Mahala live the first winter? A Why Jeff moved over there, camped over there on Kell's place, and stayed there in camp and Kell came in about the time Jeff came in.
- Q Did Jeff work for Kell over there a while? A Yes sir.
- Q About how long? A About three weeks.
- Q That runed him over to the spring? A Runed him over until along in January.
- Q Then where did he go? A Come over to see me and wanted to see if he could get any place to make a crop.
- Q Well did he come over there? A Yes sir.
- Q Did you permit him to make a crop over there? A Yes sir.
- Q When did he move over to your house? A He moved over about the first of February.
- Q Then he never lived at your house before the first of February, 1867? A No sir.
- Q Then if any of these witnesses testified that he was living there in your house on the Dr. Thompson place prior to that time, they are mistaken are they? A Well he never lived there, because he never came there until the first of February.
- Q Never come there did he? A He come in January to see me.
- Q Never come there to live? A No sir, not until the first of February.
- Q How far is the Lewis Kell place from the Dr. Thompson place? A It must be between 4 and 5 miles.
- Q The same time they were living up at your place Bob Daniels was down there and he was the old owner of this Mahala? A Yes sir.
- Q How long after that before Butler McNair come? A He come back in the spring of '67, along in February, somewhere. Come in time to make a crop.
- Q Well if Judge Clark and Wells Moore say he come there after the grass began to grow in the spring of 1867, are you prepared to dispute that?

Mr. Starr: Objected to for the reason that the testimony of Judge Clark does not show the statement of facts as stated by Mr. Hastings.

On Behalf of the Commissioner: The objection will be noted.

- Q No sir, I want dispute it because the grass was there early that spring. We had green grass about all winter.
- Q You want dispute that? A No sir, we had green grass all winter.
- Q Then none of these four people lived in that house with you that winter before February? A No sir, I don't think there was a one there before February 1, '67.
- Q You have got nothing in which--no book to indicate it was the first of February, or March, or last of January? A No sir.
- Q You are just guessing at it? A Yes sir.
- Q Using your own independent recollection? A Yes sir, I think it was about that time.
- Q And you are not right certain about it, you are just testifying from memory? A Yes sir.
- Q And you don't know when Bob Daniels come back? A I don't know the date he come back.

- Q Who moved on to the Dr. Thompson place after you moved away?  
A Mr. Parks.  
Q Were you acquainted with Butler McHair? A Yes sir.  
Q When did he come down in that part of the country where you were living? A He came down there in '67, in the spring of '67.  
Q What time in 1867, what month? A Along in February.  
Q Did he have his wife with him? A No sir.  
Q What was his wife's name? A Betsey.  
Q Where was she then? A In Kansas.  
Q When did she come? A She come along in July or September, somewhere along there.  
Q Did Butler come back after her? A Yes sir.  
Q How long when Tom Moore came, when was that? A Him and Butler come together.  
Q Did Tom Moore bring his wife? A No sir.  
Q When did she come? A The same time Butler went back and brought her. They went and come together.  
Q Now where did Tom Moore go to after he moved off the Dr. Thompson place? A He built him a house right south of there between that and old man Daniels place.  
Q Built a home of his own? A Yes sir.  
Q He and his wife live down there? A Yes sir.  
Q Did you see a woman named Fergie Lynch or Durant down in there at that time? A No sir.  
Q She didn't come with that crowd at that time? A No sir.

BY MR. HASTINGS:

- Q Jeff Lyons didn't come with them did he? A He come before they did.  
Q What is Jeff's wife's name? A Mahala.  
Q Did he have his wife with him? A Yes sir.

Mr. Starr: The applicants object to the testimony concerning Jeff Lyons, he testified before along that and it was gone into fully.

On Behalf of the Commissioner: The objection will be noted:

- Q What time did Jeff Lyons bring his wife down here? A It was along in December, sometime before Christmas.  
Q Then Jeff and Mose didn't come together? A No sir.  
Q Mose come after that? A Yes sir, he come after Jeff come.  
Q When did Mose bring his wife down there? A Mose brought his wife with him when he come.  
Q The first time? A Yes sir.  
Q That was in the spring of 1867? A Yes sir. I don't know, it might have been along about the first of February, it was after Christmas.  
Q It might have been as late as March when the grass come up? A Yes sir but I think it was in February.  
Q You are not positive as to that? A I cannot keep the dates.  
Q If Mose Moore testified he come about the time grass comes up in the spring of 1867, you think he is about right? A I don't know.  
Q You don't want to contradict that? A I want contradict nothing.  
Q This Mahala was a slave of Bob Daniels? A Yes sir.  
Q And he moved up there right after the war? A I don't know, he moved there after I went there. I don't know how long it was before he come.  
Q How far was it from you where he located? A Only about a mile and a half.  
Q And you don't remember just when he come? A I don't remember just exactly but I think it was in '67, I ain't certain.

- Q You don't know when Johnson Thompson come back? A No sir, but I think he come back before Mr. Daniels.
- Q What time do you think Johnson Thompson come back? A I couldn't say. I know he was there first.
- Q Do you know whether she come in 1867 or '68, or '69? A He must have come in the fall of '68.
- Q Did you testify before the Commission at Vinita on May 18, 1901, in the matter of the application of Sam Landrum for the enrollment of himself, wife and children? A Which Sam Landrum, there are two or three Sam Landrums?
- Q The one whose post office address is Spavinaw? A I don't know, it seems like to me I did.
- Q You don't know whether you testified in that case? A I don't know, I might have, I think I testified for him somewhere.
- Q Did you know the father of Sam Landrum? A If it is the one I am thinking about, it is Dan Landrum.
- Q It is this same one whose father is Dan Landrum commonly known as Bony Dan? A Yes sir, that is the fellow.
- Q You testified did you in that case? A Yes sir.
- Q You testified when he come back, that he come back in 1866? A Yes sir, he come back in '66.
- Q You are the same party who testified in that case? A Yes sir, I testified for Sam.

BY MR. STARR:

- Q Bony Dan did come back in 1866? A Yes sir.
- Q Did you have a child to die after the close of the war? A I had one to die, two or three but since then.
- Q One named Harvey? A Yes sir.
- Q When did he die? A March 11, I believe.
- Q What year? A That was in '67.
- Q Who dug Harvey's grave? A Jeff Lyons.
- Q Now where did Jeff Lyons live before he went on this Kell Place? A He wasn't living anywhere, only in camp, he camped over on Cabin Creek.
- Q Had been camping there prior to when he went on Kell's place? A Yes sir.
- Q What was your next child's name that died? A Lula.
- Q When did she die? A In '67.
- Q What date? A Along in September, I don't know exactly the date.
- Q Who dug this grave? A I don't remember, I believe Lewis Rowe.
- Q You are not certain about that? A No sir.
- Q When did the next one die? A I couldn't tell, he was grown and married and had a wife and one child.

BY MR. HASTINGS:

- Q You don't know what year he died? A I don't know.
- Q Who dug his grave? A There was several of them dug it. After we brought him home the neighbors just turned out and dug it.

BY MR. STARR:

- Q Did you ever testify before the Commission something about getting a mule, you and Cap Hicks? A Yes sir, I testified that Aaron Martin give us a mule.
- Q Explain that mule deal? A I had witnesses for him once before and he never paid me nothing, and he wanted me to witness for him again in this Court and I told him he would have to pay me the money, or put up something as good as the money.
- Q What did he do? A I told him I couldn't afford to lay there without any pay and come from home for nothing.
- Q Did you and Hicks get the mule? A Then he told me he had to have another witness and he give us that mule for our expenses and our witness fees.



- Q How long did you attend before the Commission at that time? A The re about two weeks before we got into it.
- Q What was the mule worth? A I give Dan Tucker \$12.50 for his part.
- Q What part did he have? A I had \$12.50.
- Q The mule was worth \$25.00? A Yes sir.
- Q Have you testified for the Cherokee nation since then? A I testified once for them down here.
- Q What did they give you? A They allowed me \$12.50.
- Q How long did you attend the Commission then? A I think I was two or three days, about three days I think.
- Q How that three days attendance, your mileage and time for the Cherokee nation amounted to \$12.50, did it? A Yes sir.
- Q And about two weeks attendance in this other case, your mileage and time only amounted to about \$12.50? A That is all I got out of the mule.

BY MR. HASTINGS:

- Q Did the Cherokee Nation pay you anything more or offer to pay you anything more than \$2.00 per day, and your mileage? A Mr. Bell told me to make it 4 days, and I didn't claim anything.
- Q Who paid you? A Roland brought the check to me and we went down to the bank and got the money.
- Q Did you sign a pay roll? A No sir.
- Q When was that? A It was along, I can't tell what time but I sure come down here, it was when that Crap Lynch's daughter, Bettie Cash was up.
- Q Did Gale Starr give you that check? A No sir.
- Q Was it while he was a stenographer for the Cherokee Nation? A I didn't know, he was an official for the Cherokee nation.
- Q Didn't you never know he was? A No sir..
- Q Never heard of it? A No sir, never heard of him being an official for the Cherokee nation. I knew he was called an Attorney at Law but I never knew he was an official.
- Q You never heard of that? A No sir.
- Q Well whose name was signed to that check? A I don't know sir, I never looked on the check to see whose name. He and Roland went to the bank and he shoved his in and I shoved mine in and we got the money.
- Q Do you know when it was? A I don't know, you know when that case of Bettie Cash was up.
- Q Did the Cherokee nation ask you to swear anything else but the truth in the Bettie Cash case? A Only the truth and that is all I swore.
- Q Was the amount you got what you were entitled to for your time and mileage, how far do you live from Vinita? A I considered that paid me for the time and mileage.
- Q How far do you live from Vinita? A 14 miles.
- Q And it is 65 miles from Vinita to Muskogee, in the neighborhood of 80 miles; and you say you got a check for \$12.50? A Yes sir.
- Q And you got pay for 4 days? A That is what he told me to claim, and I told you I didn't claim nothing.
- Q Didn't you sign a pay roll? A I don't think I did. I never seen the Check until Roland give it to me.
- Q Did you sign a pay roll? A I never signed nothing.
- Q Do you swear that? A I never signed nothing.
- Q You sign your name don't you? A No sir.
- Q Did you touch the pen to it? A No sir, I never seen the check until Roland give it to me.
- Q I am talking about the pay roll? A What pay roll?
- Q The pay roll so that the check might issue on it? A I don't understand it yet.
- Q You can't sign your name? A No sir.



- Q Then you don't know how much the amount of the check was? A The amount must have been that, they give me themoney.
- Q You came from your home and went up to Vinita and took the train and you were out a day there and a day here and a day going back, then you were out three days and 80 miles? A Yes sir.
- Q And according to that you were out three days and 80 miles and you didn't get but \$12.50? A That was all.
- Q Did you make these other fellows you have testified for pay you? A Which?
- Q You have testified in a good many cases? A Yes sir, they paid me.
- Q All of them? A Some of them did and some didn't.
- Q How much did you get in the Sam Landrum case? A I have forgotten.
- Q What other case? A There was several cases, I don't recollect who I did witness for.
- Q You don't remember any other cases? A No sir.
- Q Now you said awhile ago when it wasn't taken down that you thought the mule was worth more than \$25.00 at the time you took it? A I said I couldn't get more than that because he was balky.
- Q What did you think he was worth when you were getting it? A About \$30.00.
- Q And you sold it \$5.00 cheaper? A Yes sir, he wouldn't pull an empty wagon.
- Q Then you made a business of charging all those fellows you testified for? A Yes sir, I charged them, some paid me, and some didn't.
- Q Were some to pay you in the event they got on? A They promised to pay me, didn't say when. May be they will pay me yet.
- Q Were any to pay you after the cases were decided? A I don't know whether they were or not.
- Q Do you remember any other case that you testified in? Did you testify in the Alexander Rowe case? A Where did he live?
- Q Post office Ketchum? A No sir.
- Q Never testified in that case? A No sir.
- Q Well he never paid you nothing? A He sir.
- Q Did you testify in the Aaron Martin case? A Yes sir.
- Q Is that the one you got the mule in? A Yes sir.
- Q Did you testify in the Sarah Ann Martin case, or was that a part of the Aaron Martin case? A No, that was separate.
- Q What did you get in that case for testifying? A I don't recollect, got two or three dollars from Sarah Ann.
- Q Did you testify in the Elias Downing case? A No sir.
- Q You swear you didn't testify in that case? A I don't think I did. I aint going to swear nothing unless I know what I am swearing.
- Q How do you know? A I don't know whether I did or not, I cannot recollect, it has been so long.
- Q Did you testify in the Peyton Martin case? A Yes sir.
- Q Did he pay you? A Yes sir, three or four dollars.
- Q Do you know, do you remember how much he paid you? A About three dollars.
- Q You just followed this Commission from place to place and stayed there in constant attendance in order to testify while they were at Vinita and Chelsea? A I testified for Aaron Martin folks at Vinita.
- Q Is that the only place you testified? A Never testified for any one in Chelsea in my life. When I would go home they would come after me and maybe they would come about twice or three times before I would go, because I have to work.

- Q How much did Aaron promise to pay you the first time you testified and didn't pay it? A He promised to give me \$10.00 for witnessing for his family.
- Q Where were you going to witness at? A In the Fern-Clifton Court.
- Q Witness for him then for \$10? A Yes sir.
- Q And you didn't get it? A No sir.
- Q How long did you stay up there at Vinita witnessing before this Commission when it was there? A I didn't stay there all the time, I went back and forwards.
- Q What was the longest you ever stayed up there? A Not over two days at a time.
- Q How long were you there when you testified for Aaron? A About two days then, I went home and come back again, I believe I went back and forward 3 or 4 times before the case come up, then I witnessed for them. Mules
- Q Did you get any other mules in any other cases besides that one? A No sir, mules were too high, I couldn't go and get a mule every time.
- Q What is the most you ever got for witnessing in a case? A That mule was the biggest salary I ever got for witnessing.
- Q What did you get from George W. Lynch for witnessing for him, whose post office is Vinita and whose age was then 45? A I don't think I witnessed for George W. Lynch.
- Q You don't think you ever witnessed for him? A No sir.
- Q Did you witness for Harriet Tucker? A She was in the Aaron Martin family.
- Q Did your wife ever get anything for testifying in these cases? A She got two or three dollars from some of them.
- Q It was your habit to make them pay you in the case in which you testified? A Yes sir, I wanted my time.
- Q Didn't make any difference, if you were there you made them pay you when you went in to testify? A No sir, if the Commission ordered me, I never made them pay me.
- Q If you were hanging around you charged them if you testified? A No sir, if they wanted me to testify for them I went in and testified.
- Q Who are paying you now? A These men get me to come and witness for them, I expect them to pay me.
- Q How much did they say they would pay you? A I don't know, they haven't said.
- Q Did they pay your fare? A Yes sir.
- Q Who? A This man.
- Q Who are these men? A Starr & Patten.

BY MR. PATTEN:

- Q In the case you testified in, in which you got a mule to secure you for your fees, did you promise or agree to tell anything else besides the truth for receiving that mule? A No sir.

W I T N E S S E X C U S E D .

THOMAS E. MOORE RECALLED:

BY MR. PATTEN:

- Q State your name? A Thomas E. Moore.
- Q Did you testify in this case awhile ago? A Yes sir.
- Q Is there any other statement that you desire to make other than what you have made? A Yes sir.
- Q What is it? A I want to withdraw one I made a statement in '66, I want to make it '67.
- Q What was that about? A Bob Daniels moving in in '66, in '67 in when he moved in.

BY MR. HASTINGS:

- Q Who did you talk to about this since you left the stand? A I got to studying it over myself.
- Q You talked to Mr. Patten about it? A Just now, yes sir.
- Q Before you came back on the stand? A No sir.
- Q You swear that you haven't talked to him out there in the hall before you came back on the stand? A No sir.
- Q How did he know, how did he come to call you back here then? A I came back myself. I got to studying about where we were at that time and I knew that I made a mistake.
- Q Were you not right out there when Andy Frye was on the stand and heard him? A No sir, I didn't see him. I got to studying about where we were living at that time and knowed it was in '67 because we come from there down to this school house.
- Q All these witnesses are out here in the hall? A Yes sir.
- Q You have all been talking about it out here in the hall? A Yes all sir.
- Q You have talked to Starr or Patten out here in the hall about this case? A No sir.
- Q You testified that you saw Moss Hardrick here in the winter of 1866, in February? A '67 I mean.
- Q You swore awhile ago 1866 and Mr. Patten asked you over and over? A I know I did, that is what I am trying to get straight. We lived up where I live now and we come down to this school all this time.
- Q Mr. Patten asked you to be positive whether it was '66 or '67 and he asked you a number of times, and didn't you say it was in February, 1866? A I did and it was a mistake, if I said so I didn't mean to say it.
- Q How long was it after you left the stand before you found out the mistake? A I got to studying about where we lived at and where I live now and when I come to this school, back and forwards and it was in that year.
- Q Then it was in the fall of 1867 instead of 1866 that you moved over there? A Yes sir.
- Q And it was in the fall of 1867 Bob Daniels moved in and you out? A Yes sir.
- Q You are certain that that was November I believe you said? A Did I say November.
- Q You said fall, October or November? A It was in that fall anyhow.
- Q Of 1867? A Yes sir.
- Q That is when Bob Daniels moved his family up there? A Yes sir.

WITNESS EXCUSED.

APPLICANTS RESTS.

The following testimony was taken on behalf of the Cherokee Nation.

Mr. Hastings: For the purpose of impeaching the witness Andy Frye we desire that the judgment of the Commission and the action of the Secretary thereon in the Sam Landrum case, Freedman doubtful 292 be made a part of the record in this case.

Mr. Starr: The applicants object to the introduction of the judgment and the record in the Sam Landrum case.

On Behalf of the Commissioner: The objection will be sustained.

On Behalf of the Commissioner: Attorneys for applicants and Cherokee Nation agree that a statement showing the present status of the Cherokee Freedman enrollment case of Sam Landrum be made.

The records of this office show that the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting, among others, the application of Sam Landrum for the enrollment of himself and family as Cherokee freedmen was affirmed by the Secretary of the Interior on December 5, 1903 (I.T.D. 8326-1903), and that a motion said case was filed May 29, 1906.

ELIZA A. STROUT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Eliza A. StROUT.
- Q How old are you? A 50.
- Q What is your post office? A Vinita.
- Q What was your maiden name? A Daniels.
- Q Were you a daughter of Bob Daniels? A Yes sir.
- Q Is he the same Bob Daniels who was a member of the Supreme Court in the Cherokee Nation in 1871? A Yes sir.
- Q You are a Cherokee by blood? A Yes sir.
- Q Through who do you get your Cherokee blood? A Father and mother both.
- Q Did your parents own some slaves before the war? A Yes sir.
- Q Did you know at any time a negro woman by the name of Mahala, who afterwards married Jeff Lyons? A Yes sir.
- Q Did you know her before the war? A Yes sir, I can remember her before the war, that is before she left us.
- Q Who did she belong to? A My parents.
- Q Did she have any children before the war? A Yes sir.
- Q What was the child's name? A She had one named Wash, I don't know whether I know them all or not, and one named Peggy and one named Anaka by a man named Lynch, who left the country, and after that she had this Mike Moore.
- Q He was born before the war? A Yes sir.
- Q He was a slave of your parents? A Yes sir.
- Q She wasn't the wife of Jeff before the war? A No sir, she come back here with Jeff.
- Q Now did you people leave the Cherokee Nation during the war? A Yes sir, we went to the Choctaw Nation.
- Q Now when did you folks come back from the Choctaw Nation to the Cherokee Nation and where to first? A When we first come back we come to Tahlequah in the fall of 1866 and we stayed there all winter and then come back up home on Grand River in March, 1867.
- Q How far was your home place from what was known as the Dr. Thompson place? A Just about a mile.
- Q Was it on the same side of the river? A Yes sir, on the east side.
- Q And about a mile from the Dr. Thompson place? A Yes sir.
- Q Did you know Johnson Thompson? A Yes sir.
- Q He was a Cherokee? A Yes sir, he married my sister.
- Q Do you know where the Johnson Thompson place was? A Yes sir.
- Q Where was this Dr. Thompson place with reference to your father's place and the Johnson Thompson place? A It was right between the two.
- Q Then you had to go by the Dr. Thompson place in order to go to your aunt's who was Mrs. Johnson Thompson? A Yes sir, on the road, went right by the house.
- Q Did you visit backwards and forwards frequently? A Yes sir.

- Q Now was Mahala and Jeff Lyons back up there in that neighborhood at the Dr. Thompson place or any other place when you people moved up there? A We never did see her.
- Q Was she in that neighborhood at that time? A No sir.
- Q She was your old slave? A No sir, she was not there.
- Q Could your old slave have been there at that Dr. Thompson place, and you pass backwards and forward from your place over to your suits visiting, as you frequently did, without your knowing it? A No sir, I don't think she could.
- Q Your father is the same person who was a member of the Supreme Court and passed upon this case in 1871? A I don't know whether he passed on it or not, I guess the record shows it.
- Q He was a member of the Supreme Court in 1871? A Yes sir.
- Q Was he living there in 1871 on this place, did he continue to live up there? A Yes sir, my father died in 1872.
- Q He lived there until he died? A Yes sir.
- Q You knew how long afterwards before you first heard of Mahala coming back there? A No sir, I don't know exactly how long but I don't think it was right soon. I am pretty certain it was not.
- Q It was sometime? A Yes sir, I don't know but I always thought it was 1868.
- Q Did you hear after they come back where they come from? A It was always my impression they come from Kansas.
- Q That was your impression from knowledge you gained at that time? A Yes sir.

BY MR. PATTEN:

- Q I believe you say you are about 50 years old? A Yes sir.
- Q How old were you at the close of the war? A I guess I was about 12 years old when I come home.
- Q When was that? A I just now said it was in 1867.
- Q What time of the year? A In March when we come down on the river.
- Q You say Mahala was the slave of your father? A Yes sir.
- Q You say she had one child before the war? A She had more than one.
- Q Can you give the name of one? A She might have had more than I knew of.
- Q You remember of them before the war? A Yes sir, I remember seeing them, said they were her children.
- Q How old were you at that time? A At what time.
- Q Just about the time you say she had these children before the war? A What difference does it make if I told you how old I was and when I was born.
- Q I asked you how old you were about the time the war began? A I guess I was about 6 or 8 years old.
- Q That has been about 45 years ago now hasn't it? A Yes sir, in 1861.
- Q And you were about 6 years old at that time? A I guess so.
- Q And you remember things that occurred, that happened, when you were 6 years old, that occurred 45 years ago? A I remember when Mahala left us, it was during the war.
- Q And you were only about 10 years old at the close of the war? A I can remember when I was 6 years old.
- Q Those slave did you say Mahala was? A I guess she belonged to my father and mother both.
- Q Did she belong to them at the commencement of the war? A Yes sir.
- Q And they were Cherokee citizens? A Yes sir.
- Q Now you say you came back home there in the spring of 1867, in March? A Yes sir.



- Q Do you know where Judge Clark was living when you came back?
- A Yes sir, he was living right across the river from us. If he wasn't living there when we come back he was pretty soon because I remember him and his wife coming to our house to visit us.
- Q Do you remember where L. B. Bell was living when you come back?
- A No sir, I know where he lived afterwards.
- Q Where you moved to when you come back how far was that from the Dr. Thompson place? A A mile.
- Q How frequently were you by the Dr. Thompson place? A I don't know whether we went every day or not, but we went often because Johnson Thompson's wife was my mother's sister, and so was Dr. Thompson's wife.
- Q Did you go by the house? A Yes sir.
- Q Was it on the road? A Yes sir, of course it was on the road.
- Q Who lived on the Dr. Thompson place at that time? A I don't know who all, there was a lot of darkies living there.
- Q Can you name them? A I knowed Andy Frye and Al Lynch.
- Q Who else? A I don't remember anybody else.
- Q Can you give the names, are you certain that Al Lynch lived there? A Yes sir, I used to see him, I don't think he was married then.
- Q You are certain that was the spring of 1867? A Yes sir.
- Q Who else besides Andy Frye and Al Lynch? A I don't remember. There was an old colored man named Tebe Schrimsher.
- Q Were there any one else besides those three? A I don't remember anybody else.
- Q Do you remember whether Butler McNair was there? A I don't know anybody by that name.
- Q Or Tom Moore? A Yes sir, I know him, he wasn't living there.
- Q Old man Tom Moore? A Yes sir.
- Q How do you know he wasn't living there? A Because I didn't see him.
- Q The fact that you didn't see a certain person in a certain neighborhood is conclusive to you that you didn't see him? A I don't see how he could be there without my seeing him when I passed there.
- Q Didn't you say just now that there was a number of colored people living there in that house that you didn't know who they were?
- A I said I didn't know them but I knew Tom Moore and his wife, belonged to my father.
- Q You were about 10 years old? A I said I was about 12.
- Q There were some colored people living at that house and you didn't know who they were? A I know Tom Moore wasn't there.
- Q Do you undertake to swear Mahala wasn't there? A If she had been there I would have seen her.
- Q Do you undertake to say you know you saw everybody that lived there? A I guess I saw them but I didn't know their names.
- Q How do you know you saw them all? A I know I must have.
- Q You are just guessing at that, taking it as a conclusion? Now are you stating from what you actually know or what you take as a matter of fact that you ought to know because you went by there frequently? A I don't know as I have to answer any such foolish question as that.

On behalf of the Commissioner: Just answer as near as possible the question as asked.

- A I know I saw them when they all come back, and it wasn't when we come back. I saw them afterwards, about 1868 or '67.
- Q Well now when was the first time you ever saw Mahala? A Well I don't know exactly, she wasn't there when we come back.
- Q I am not asking you that question? A I couldn't tell you just the date I saw her.

- Q You say you saw her when they all come back? A I saw them when they were living there.
- Q About when was that? A I don't know when it was.
- Q Was it 1866 or 1867? A It was 1867 or '68.
- Q What time in 1867? A I always thought it was 1866.
- Q Do you know what year it was that they lived on that Dr. Thompson place? A I know it was not in 1866.
- Q I am not asking you whether you saw them in 1866? A Well I told you I didn't know whether it was 1867 or '68.
- Q Do you know what time of the year it was you first saw them on that Dr. Thompson place? A No sir, I don't remember that.
- Q Do you remember when they first moved on that Dr. Thompson place? A No sir.
- Q You don't know anything about when they come from Kansas? A I knew they were not on that Dr. Thompson place.
- Q You don't undertake to say that they were not in the Cherokee Nation when you came back? A No sir, I don't.
- Q But you undertake to say that Mahala was not on that Dr. Thompson place in March, 1867, just because you didn't see her? A I would have seen her if there.
- Q Who lived on that place or in the house preceding your father? The place you moved to, just before him? A There was a colored man named Arch Landrum.
- Q Did he move in there just before you folks moved in? A Yes sir.
- Q Did Nelson Moore ever live in that house, if you know? A No sir.
- Q You don't remember when he lived there? A No sir.
- Q Tom Moore I mean instead of Nels? A They all lived in what used to be the colored people's house, but not in the house we lived in.
- Q Think was any one living in that house when you folks moved down there, the place you moved into when you came back there in 1867? A My father was in Tahlequah and went up there to get the folks out of the house so we could move in.
- Q Who did he get out? A Arch Landrum.
- Q You are certain it was Arch Landrum? A That is what my father said.
- Q Didn't say whether Arch was the only one? A Didn't say about that.
- Q What time of the year was it? A I don't know exactly, it was between Christmas and March. It couldn't have been very long.
- Q You came shortly after he came down there? A Yes sir.
- Q As a matter of fact didn't you move in that place in the fall of 1867 instead of the spring? A No sir.
- Q How do you remember it was spring instead of the fall? A Because they went to making a crop.
- Q How do you remember it was 1867? A How do you remember anything?
- Q I am asking you? A (No response).
- Q You are testifying to these facts, things that occurred when you were 16 years old, from your own independent recollection regardless of anything that would impress it upon your mind? You just undertake to say it was 1867? A Well I said it was 1867, and I said it two or three times.
- Q Have you any circumstance to connect your memory with that makes you absolutely know it was 1867, or more positive of it? A I don't know any more than anybody knows one year from another.
- Q Have you a pretty good faculty for remembering things that occurred in 1866 or '67? A Sometimes I do and sometimes I don't.
- Q Do you know when the Kern-Clifton roll was made? A No sir.
- Q You don't remember that do you? A No sir.
- Q Do you know when the Wallace roll was made? A Wasn't it in '66. I don't know.
- Q Some of these things are pretty hard to remember, aren't they? A

- Q Some of these dates are pretty hard to remember, aren't they? A Indeed without they get to remember anything, they ought to remember it.
- Q How do you happen to think you got to remember it was the spring of 1867 your folks moved on his place is that the reason you remember it? A No sir.
- Q There was nothing at that time to impress it upon you to remember it was 1867? A Well I know when the war closed, and how long we stayed down south before we came home, and then we came to Tahlequah and stayed there until the spring of '67.
- Q How long were you at Tahlequah? A I don't know what month in the fall, and we stayed there that winter.
- Q You came to Tahlequah in the fall? A Yes sir, in the fall of 1866.
- Q Where were you in when the war closed? A In the Choctaw Nation.
- Q How long did you stay in the Choctaw Nation? A About three years, we went there during the war.
- Q What year did you go there? A I think it must have been in 1862.
- Q And you stayed there three years? A Stayed there until 1865.
- Q What time in 1862 did you go? A I don't know.
- Q You don't remember that? A No sir.
- Q Do you remember the occasion of going? A Yes sir.
- Q You say you stayed there about three years? A We stayed there until 1865.
- Q What time in 1865? A I don't know, I think it was in the spring.
- Q And where did you go from there? A Back to Tahlequah in the fall, and how I know it was in the fall because we gathered Hickory Nuts all along the road.
- Q How long did you stay at Tahlequah before you came down there? A I told you from that time until March.
- Q The following March? A Yes sir.
- Q Then you came to Tahlequah in 1865? A '65.
- Q Didn't you say you left the Choctaw Nation in 1865? A I said the war closed in 1865 and we came to Tahlequah in 1865.
- Q Do you know what year you were born in? A 1855 so my mother said, I don't know whether I was or not.
- Q You are going on 51 now? A Yes sir, I will be 51 next August.

W I T N E S S E X C U S E D.

JAMES R. DUNLAP, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A James R. Dunlap.
- Q What is your age? A 55.
- Q What is your post office? A Carlile, Kansas.
- Q How far is Carlile from Iola? A Five miles.
- Q How long have you lived in the vicinity of Carlile and Iola? A I first came there in 1864, moved there in 1866.
- Q What time in 1866 did you move there? A Sometime in the spring, May or June.
- Q Did you get acquainted after moving there in that vicinity with a colored man named Butler McNair? A Yes sir.
- Q Did you know his wife? A Yes sir.
- Q Did they live there in that vicinity? A Yes sir.
- Q Did you at that time live in the town or in the country? A I lived in the country there.
- Q About how far did Butler McNair live from you? A About a mile.
- Q Live in a cabin over there? A Yes sir.
- Q Well Mr. Dunlap when was your first child born? A January 21, 1867.
- Q Do you know who attended your wife and waited on her during that confinement? A After her confinement Aunt Betsey Butler was with my wife.
- Q Was that Butler McNair's wife? A Yes sir.
- Q Was that after this confinement you speak of? A Yes sir.
- Q Was that the first child your wife had? A Yes sir.

- Q Are you positive that Betay, the wife of Butler McNair, waited on your wife after this confinement? A Yes sir.
- Q Have you a record of the birth of that child? A Yes sir.
- Q Did you bring that with you? A Yes sir.
- Q What does that record disclose? A You read it.
- Q Is this from your family record, your Bible? A Yes sir.
- Q It shows birth, Orion Doolap was born in Allen County, Kansas, January 21, 1867? A Yes sir.
- Q That is the date of his birth? A Yes sir.
- Q And you are positive that Betay the wife of Butler McNair waited on your wife during her sickness following her confinement? A Yes sir.
- Q Do you remember how long she stayed there after that? A No sir, I don't.
- Q Do you remember how long they stayed in that vicinity? A No sir, I don't.
- Q And you have refreshed your memory from the date of the record of the birth have you? A Not exclusively, I was married January 31, 1866, and my oldest child was born January 22, 1867.
- Q And you are positive that Butler McNair's wife Betay was there? A Yes sir.
- Q You are not prepared to say how much longer they remained there? A No sir, I couldn't do that.
- Q Did you know a colored man we named Tom Moore, A Yes sir.
- Q When did you last remember of seeing him up there with reference to the birth of this child? A Well sir, I don't remember anything particular about them after harvest was over in the summer of 1866. I helped harvest with Tom Moore, but when he left I couldn't tell you.
- Q They didn't live on your place? A No sir.
- Mr. Patten: The Attorneys for applicants now move the Honorable Commissioner to strike from the record all the testimony relative to Butler McNair given by this witness, for the reason that there is no contention that she came to the Cherokee Nation at the same time that Butler McNair did.

Mr. Hastings: In answer to that motion the Attorneys for the Cherokee Nation reply that practically every witness that has been introduced by these attorneys from Kansas have testified that all four of these parties left there with their effects at the same time, left that community.

On Behalf of the complainant: The motion and reply will be noted.

BY MR. PATTEN:

- Q Were you very well acquainted with any of these colored people around there? A Not intimately acquainted.
- Q How long had you known this Betay McNair at this time? A I came there the spring of 1866, and I didn't have any acquaintance with the old lady until I went after her to stay with my wife.
- Q There is no question but what she waited on your wife at that time? A No question in my mind.
- Q Do you know whether she was married or single? A She claimed to be the wife of Butler, lived with him.
- Q Did you ever know him? A Yes sir.
- Q How far did they live from you? A About a mile.
- Q When was the last time you saw Tom Moore? A The last I remember of him is when we helped harvest there in 1866. Mostly colored people there and I just come into the country there and we plowed work around and cut our wheat.

WITNESS EXCUSED.



J. A. THOMPSON, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A J. A. Thompson.
- Q What is your post office? A Vinita.
- Q What is your age? A I will be 56 years old the first day of next August.
- Q Are you a Cherokee by blood? A Yes sir.
- Q What was your father's name? A Johnson Thompson.
- Q Have you a brother named Tommy Thompson, T. F. Thompson? A Yes sir.
- Q Where did you go during the Civil war? A We went south, on Red River.
- Q Where did you return after the war? A Back there on our old place.
- Q Where was that? A On Grand River, known now by the Ketchum place.
- Q By Ketchum post office? A Yes sir, near there.
- Q That is the same place that is generally known as the Johnson Thompson place? A Yes sir.
- Q How far is that from the Dr. Thompson place? A About a mile.
- Q On the same side of the river? A No sir.
- Q How far from the Bob Daniels place? A That was a short mile. Further south, on the south side of the river.
- Q Was the Bob Daniels place and Dr. Thompson place on the same side of the river? A Yes sir.
- Q And both on the opposite side of the river from your father's place? A Yes sir.
- Q Do you know Mrs. Shrent, daughter of Bob Daniels? A Yes sir, first cousin of mine.
- Q Do you know when Bob Daniels came back up there? A Yes sir.
- Q When? A In 1867.
- Q What time of the year? A Early in the spring.
- Q What time did you people come back to this Johnson Thompson place? A I think it was in October, in 1866.
- Q Did you ever know Mose Hardrick a colored man before the war? A No sir.
- Q Did you know Jeff Lyons before the war? A No sir.
- Q Did you know Mahala, Jeff's wife? A Yes sir, she belonged to Bob Daniels before the war.
- Q Did Daniels live up there before the war? A Yes sir.
- Q And you were neighbors before the war as well as relatives? A Yes sir, lived at the same place.
- Q Right at the same same places you described? A Yes sir.
- Q Then you knew Mahala well did you? A Yes sir.
- Q Now I will ask you when you first knew of Mahala, who was the wife of Jeff Lyons, and who before the war was the slave of your Uncle Bob Daniels, after the war? A Well that was along in the fall of '67. They stopped in our yard, I don't know exactly how long, camped there.
- Q Was that when they came back to the country? A Yes sir.
- Q You say that was in the fall of 1867? A Yes sir.
- Q Are you positive they were not there during the winter of 1866? A I don't think they were, if they were I didn't see them.
- Q Did they say they were from Kansas in the fall of 1867? A Yes sir.
- Q You remember when Mose Hardrick came? A Not exactly, but he landed in there pretty much the same time, but I didn't see him when he landed.
- Q Did you see him there before you saw Mahala and Jeff? A No sir.
- Q Did you know a child of Mahala named Mike? A Yes sir.



- Q Did he come back with his mother? A I don't remember him. We were talking about him to day, I don't remember when he come or how he come.
- Q But did you see him there before you saw his mother? A No sir.
- Q You saw him afterwards? A Yes sir.
- Q Did you know Butler McNair? A I wasn't acquainted with him.

BY MR. PATTEN:

- Q When was it you say you first saw Jeff and Mahala? A I think it was in the fall of 1867.
- Q Where were they living at that time? A Camped in our yard there on our place.
- Q That was in the fall of 1867? A Yes sir.
- Q When was the first time you saw Mose? A It was sometime after that I think, I would not be positive. I don't remember much about Mose because he went across the river.
- Q Was it about the same time? A Pretty much the same time.
- Q Now how long did they camp with you there when they went into camp? A Yes sir.
- Q Had they just moved in from some place? A Come in from Kansas I suppose.
- Q Was this on the same side of the river as the Dr. Thompson place? A No sir.
- Q That was across the river from the Dr. Thompson place? A Yes sir.
- Q That was in the fall of the year? A Yes sir.
- Q And you think it was what year? A 1867.
- Q Do you remember when that Horse Creek fight was? A No sir. Been a great deal of dispute about that, a great many claim it was in 1867 and a good many in 1866.
- Q When do you make claim? A I don't claim.
- Q Were you in the country? A There were two fights on Horse Creek.
- Q Well with reference to what is known as the Horse Creek fight, if one or the other was, what time with reference to that was it Jeff Lyons and wife were camped there? Was it before or afterwards?
- Q Well I don't know, you see directly after the war we didn't run around any, we were afraid to go out any, we stayed at home.
- Q You don't know whether it was before or after? A Well it must have been then this Horse Creek fight was, I think it was in the summer time sometime and this was in the fall.
- Q The same fall? A I couldn't tell positively.
- Q What is your best judgment about it? A Well I hate to say.
- Q It is pretty hard to remember those things that occurred that long ago? A Yes sir, along time. There were two fights there, one occurred before we come there.
- Q Did those two fights both occur the same year? A I couldn't tell you that.
- Q Where did they move to when they moved away? A Across the river.
- Q Did they move on the Dr. Thompson place? A I think they moved on a place they got from Uncle Jeter or Uncle Robert, and I think he lived there until he died to my best judgment.
- Q What place was that you say? A They settled a place in there near Uncle Robert or sorter between the two places.
- Q What time did they move in on that place? A I don't know exactly. You see we made a crop up there in 1867 and after we gathered the crop, father sent Tommy and I to school in Arkansas.
- Q You started the fall of 1867? A Yes sir.
- Q When did they make a crop on that new place, Jeff? A No surely couldn't have made any crop earlier than 1868.
- Q In your judgment Jeff Lyons didn't get down to the Territory early enough to make a crop until 1868? A Yes sir.

- Q Do you know whether or not he ever lived on the Dr. Thompson place?  
A He might have rented some ground from Uncle Jeter.
- Q I mean live there? A I don't remember of him living there. There were several families living there, and I thought one of them families were Andy Frye and another fellow that attended to our boats there, his name was Tobe Schrimsher, and there was another fellow or two there.
- Q Do you remember about the time that Andy Frye lived on that Dr. Thompson place with reference to the time they were living there,-- what time was it Jeff and Mahala were camped there? A That was along in 1867.
- Q I mean regardless of dates, at the time Jeff was camped there in your yard where was Andy Frye living? A I think on Uncle Jeter's place.
- Q That was about the time Tobe Schrimsher was there? A Well I don't know whether Schrimsher was there then or not, I rather believe Schrimsher had left before then. A little thing happened there before then, somebody stole Uncle Robert Daniels' horse and Schrimsher was running out boats, and they stole our boats and after that father and Uncle Robert gave Schrimsher a jacking up and I think he left.
- Q Disregarding what year it was, you said it was in the fall of the year? A Yes sir.
- Q And that was on the other side of the river from the Dr. Thompson place? A Yes sir.
- Q What time of the year did they leave that place and move? A I couldn't say, couldn't tell you.
- Q Where were you living when they moved? A I don't know whether we were there or had gone to school.
- Q What year was it you first went to school in Arkansas? A It was in 1867. After we got through gathering corn we went.
- Q How do you remember that was 1867? A A thousand things happened to make a person remember it.
- Q To remember it was 1867 instead of 1866 or '65? A Couldn't have been 1866 because we didn't come up there until late in the fall of 1866.
- Q How do you remember it was 1866 you come up there instead of '65?  
A We were afraid to go up there.
- Q How long after the war closed before you were afraid to come up there? A We came as soon as we thought it was healthy.
- Q This occurred about 40 years ago? A Yes sir.
- Q You were how old? A About 16 years old.
- Q You think then, you are pretty positive it is highly improbable that you could be mistaken just a year or two? A I don't think I could be. You see they come up there the same year Uncle Robert Daniels moved up, he moved there in the spring of 1867 and they got there in the fall of 1867.

W I T N E S S    E X C U S E D .

On motion of the Commissioner this case was here continued until June 23, 1906, at 8:45 A. M.

June 23, 1906: In pursuance of continuance heretofore had in this case, the hour of 8:45 A. M., having arrived on this day, this case was called for further hearing at which time the following proceedings were had:

T. F. THOMPSON, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A T. F. Thompson.
- Q How old are you? A Going on 59 years old.
- Q What is your post office? A Vinita.
- Q What was your father's name? A Johnson Thompson.
- Q Are you a brother to Jim Thompson who was on the stand here yesterday? A Yes sir.
- Q Did you know Bob Daniels in his life time? A Yes sir.
- Q Was his wife any relation to you? A She was an Aunt of mine, a sister to my mother.
- Q Were they Cherokees? A Yes sir.
- Q Did you ever live in the Cherokee Nation before the war? A Yes sir.
- Q Where? A On Grand River.
- Q How far from Vinita? A East about 15 miles.
- Q Down near where the present Ketchum post office is? A Yes sir, right at that post office.
- Q On which side of the river did your folks live? A On the west side.
- Q On which side did Bob Daniels live?? A Dr. Thompson place is right on the river and Daniels place was about a mile southeast.
- Q On the opposite side of the river from you? A Yes sir.
- Q Now did you people go out during the war? A Yes sir.
- Q What time did you return? A We returned in the fall or winter of 1866.
- Q And what time did Daniels people return to the place up there on the river? A They come back in the spring of 1867.
- Q Did you know Mrs. Stuart that was on the stand? A Yes sir.
- Q That was her father? A Yes sir, he lived there.
- Q Then each of your families returned back to those old places? A Yes sir.
- Q Did you know a negro woman by the name of Mahala that belonged to the Daniels before the war? A Yes sir.
- Q Who did she marry during the war, or who did you know her to be the wife of after the war, if you knew her at all? A The wife of Jeff Lyons after the war.
- Q Did she have any children before the war? A I think she did, I would not be certain about that.
- Q Don't know of a child named Mike weaver? A Yes sir.
- Q Now how far is this Dr. Thompson place from your place? A About a mile, just across the river.
- Q You say you knew Mahala who belonged to your aunt Mrs. Daniels before the war? A Yes sir.
- Q Now what is your best judgment of the time that you first saw them, that they returned here after the war? A Well as to that I couldn't possibly say for certain. They came back after we did but I couldn't say whether it was the year we did or the year following.
- Q Well what is your best judgment about it? A Well I don't know what my best judgment would be.
- Q Well you don't want to be positive about it, is that as I understand you? A No sir, because I am not.
- Q Did you make an affidavit in this case? A Yes sir.
- Q And in that affidavit did you want to be understood to say that those people returned in 1866? A No sir, I don't want to be understood that way.
- Q Who prepared it? A A young man named Blue I believe.
- Q With whom did you talk about it? Did you talk to J. C. Starr about it? A Yes sir, I mentioned it to Mr. Starr yesterday.
- Q Did you ever talk to him prior to yesterday? A Yes sir, we met in the post office a time or two and talked about it up there at Vinita.

Q Did you tell him that you didn't want to be understood as saying in your affidavit that they returned in 1866? A Yes sir, because I wasn't certain about that. That was to the best of my knowledge.

Q You didn't intend to say 1866? A No sir.

BY MR. PATTEN:

Q Well then Mr. Thompson what you want to be understood as saying in this case is then that you are uncertain as to whether it was 1866 or '67, is that what you mean? A Yes sir, I am uncertain. I don't want to be understood as saying 1866 or nothing else.

Q Now you would not want to be understood as positively swearing that it was not 1866? A No sir.

Q Nor you would not want to be understood as positively swearing it was 1867? A No sir.

Q Wasn't it about 3 or 4 days ago you talked to Mr. Starr at Vinita? A Yes sir.

Q Did you talk to Mr. Starr any time about this at the time you made this affidavit? A No I don't remember of. I don't think Mr. Starr had anything to do with the affidavit at all.

Q Did you testify before John W. Wallace in the Wallace Court for these people? A I didn't know the gentleman, he was up in Mr. Starr's office.

Q The Wallace Court in 1869? A No sir, I think not.

Q You don't remember whether you did or not? A No sir, I don't think I have ever testified in freedman cases before. I don't remember of it.

WITNESSES EXCUSED.

Mr. Hastings: I desire to make an inquiry of the Commissioner as to whether or not all of the testimony of all these consolidated cases heretofore taken and taken now, including the testimony of Nelson Moore, and the cases of Moses Hardrick, W. D. 314, at a prior hearing will be considered a part of the testimony of this entire case.

On Behalf of the Commissioner: All of the testimony and records in each of the separate cases which are now consolidated under the two heads; consolidated cases of Moses Hardrick, et al., and George Irons et al., will be made a part of the record in this consolidated case.

Mr. Hastings: For the purpose of impeaching Tobias Bean, I desire to introduce the record of assessment of Monroe Township, Anderson County, Kansas, copied from the original records and filed in the cases of Thomas Mayfield et al., P R 541, with reference to Warren Adams for the year 1868.

Mr. Patten: To which applicants object for the reason that there is no testimony to identify Warren Adams, the man of whom Tobias Bean testified with the name of Warren Adams sought to be introduced and for the further reason that the record in the Mayfield case shows that the assessment record of Monroe Township, Anderson County Kansas, was never authenticated for the year 1868 by the Assessor.

On behalf of the Commissioner: A stenographic report was made of the record of the proceedings had May 24, 1906 in the cases of Thomas Mayfield, et al., at which time there was introduced in the record, the record of the assessment of one Warren Adams, the original census record being exhibited at that time. The



stenographer's notes have not yet been transcribed, but as soon as done so a copy of that part of the proceedings relating to the census of Warren Adams in Monroe Township, Anderson County, Kansas, will be filed with and made a part of the record in this case.

Mr. Hastings: For the purpose of impeaching Frank Ross, one of the witnesses who has heretofore testified in this case, we desire to have noted in the record what action has been taken by the Secretary of the Interior in the following cases, Freedman Doubtful 498, being the case of Henry G. Hayden, et al., Freedman Doubtful 535, being the case of Charity Trow, Freedman Doubtful 431, being the case of Nancy Ross, et al., Freedman Doubtful 578, being the case of Katie Thornton, et al., Freedman Doubtful 801, being the case of Sarah Bean, Freedman Doubtful 746, being the case of Leah Winfield et al., Freedman Doubtful 777, being the case of Calvin Ross, et al., Freedman Doubtful 1007, being the case of Jesse Hicks, et al., Freedman Doubtful 1008, being the case of George Ross. All of said cases being freedmen cases and the record in all of said cases showing that the said Frank Ross testified in all of them, and the representatives of the Cherokee Nation contend that all of them have been rejected by the Commission and finally rejected by the Secretary of the Interior.

Mr. Starr: To which applicants object and move that the Cherokee Nation be required to state in each instance what particular testimony is given by Frank Ross in said cases is false.

Mr. Hastings: The Cherokee Nation states that in each case where he swore that the applicants returned in 1866 is false, and was so found by the Commission and by the Secretary of the Interior.

Mr. Starr: The applicants contend that a general statement is not sufficient, and move that the nation be required to specify in each instance what testimony is false.

Mr. Bixby,  
~~Commissioner~~ Commissioner: The objection of Attorneys for applicants will be sustained.

Mr. Hastings: The ruling of the Commissioner to the Five Civilized Tribes is excepted to for the reason that it is contended on behalf of the Cherokee Nation that if this same witness Frank Ross has testified in all of the above cited cases, and for the applicants, and if the Commission to the Five Civilized Tribes had decided adversely to them, and those decisions has been affirmed by the Secretary of the Interior, that this tends to show what weight is given by the Commissioner to the Five Civilized Tribes and the Secretary of the Interior to the testimony of the said Frank Ross, and therefore tends to impeach and discredit him.

Mr. Starr: Replying to this argument the Attorneys for applicants desire to state that unless it is shown specifically wherein said witness testified falsely in each of said cases it would not tend to discredit him for the reason that said witness might not have testified to a mere point in any of said cases.

Mr. Hastings: In answer to that argument the Attorney for the Cherokee Nation now offer to have the full testimony of the said Frank Ross in each of said cases referred to filed and made a part of this record so it will show the different points to which he has testified.

Mr. Starr: To which applicants object.

Mr. Bixby,  
~~Commissioner~~ Commissioner: The objection will be sustained.



Mr. Hastings: For the purpose of impeaching and discrediting the statements of the applicant, Moses Hardrick, the representative of the Cherokee nation desires to have the record of the decision of the Commission and the action of the Department thereon in the following freedmen cases. All of them being cases in which the said Moses Hardrick testified on behalf of the applicant and all of them being rejected by the Commission to the Five Civilized Tribes and affirmed by the Secretary of the Interior: Freedman doubtful 285, being that of Moses Ross. Freedman doubtful 287, Jim Alberty, et al. Freedman doubtful, 317, Charles Martin, et al., Freedman doubtful 327, Jane Looney. Freedman doubtful 331, Nancy Ross, et al. Freedman doubtful 362, Cynthia Heard, et al. Freedman doubtful 921, Elijah Hattie, or Tinnen. Freedman doubtful 946 Andy Ross. Freedman doubtful 952, Charles Brown, et al. Freedman doubtful 1009, George Ross. Freedman doubtful 1020, Kissie Newman, et al. Freedman doubtful 1023, Ned Foreman. Freedman rejected 85, Malay Corbin, et al. In all of which the said Moses Hardrick testified for the applicants.

Mr. Starr: In reply to this motion the applicants make the same objection and the same motion as was made with reference to Frank Ross.

Mr. Bixby,  
~~Assistant~~ Commissioner: The objection will be sustained.

Mr. Hastings: For the reasons hereinabove stated the ruling of the Commissioner to the Five Civilized Tribes is excepted to.

Mr. Hastings: For the purpose of impeaching and discrediting the testimony of Anderson Lynch, a witness who has heretofore testified for the applicants in this case, the representative of the Cherokee nation asks that the decision of the Commission to the Five Civilized Tribes and of the Secretary of the Interior rejecting the following applicants, in all of which cases the said Anderson Lynch testified, be shown in this record. Freedman doubtful 493, being the case of Alex Johnson, et al., in which the said Anderson Lynch was especially impeached. Freedman doubtful 528, John May, et al. Freedman doubtful 260, Harvey Martin, et al. Freedman doubtful 732, Joseph Lynch, et al. Freedman doubtful 309, William Vann, et al. Freedman doubtful 374, Ab Buffington. Freedman doubtful 566, Aggie Little, et al. Freedman doubtful 617, Rosa Shebe, et al. Freedman doubtful 79, Mary Hermitte. Freedman doubtful 734, John Powers. Freedman doubtful 860, Annie Elms, et al. Freedman doubtful 281, Arthur Martin. Freedman doubtful 860 Perry Adams, et al. Freedman doubtful 285, Isabell Brown. Freedman doubtful 286, Rachel Todd, et al. Freedman doubtful 1015, Amanda Brown. Freedman doubtful 728, Martha Lyons. Freedman doubtful 378, William Buffington. Freedman rejected 85, Malay Corbin, et al.

Mr. Starr: Attorneys for applicants make the same objections in this case as were made with reference to Frank Ross and Moses Hardrick.

Mr. Bixby, Commissioner: The objection will be sustained.

Mr. Hastings: The representative of the Cherokee nation excepts to the ruling of the Commissioner to the Five Civilized Tribes for the reasons hereinbefore set forth.

Mr. Starr: We would like to examine the records of the Cherokee Supreme Court and Citizenship Courts that are now in the possession of the Attorneys for the Cherokee nation.

Mr. Hastings: And for what purpose?

Mr. Starr: For the purpose of seeing if there is any record in said Court that we might desire to offer.

Mr. Hastings: The representative of the Cherokee Nation decline to turn over to Citizenship lawyers the records in his possession for their use in making motions which they do not regard as meritorious generally in citizenship cases, but if there is any judgment of any Court in the possession of the Commission relevant to this case, they have no objections whatever to that judgment being taken from the records and introduced in this case.

Mr. Starr: Attorneys for applicants move that the honorable Commissioner require those records to be turned over to him and be placed in his official custody so that both the Attorneys for the Cherokee nation and applicants may have access to them.

On behalf of the Commissioner: It is requested that the Attorneys for applicants indicate the records in the possession of the Attorneys for the Cherokee nation to which they refer.

Mr. Starr: It is the record referred to in the matter of the application of Andy Webber. The Chambers Court of 1878, being the same record referred to in the case of Andy Webber last Thursday.

Mr. Hastings: In reply to this the representative of the Cherokee nation state that they are not trying the Andy Webber case, and that that is not a part of this case and not a part of this record; that the Andy Webber case was tried and closed on Thursday last.

Mr. Starr: I mean the record referred to in that case. The book referred to in that case.

On Behalf of the Commissioner: The record of proceedings had by and before the Chambers Court or Commission on Citizenship are in possession of this office and when a decision is rendered in this case official notice will be taken of any proceedings had before said Court with reference to any applicants in this consolidated case.

Mr. Starr: The applicants request that the case of George W. Lynch be not closed at this time, and that they be given an opportunity to furnish the Commissioner with a list of witnesses, and move that the case be set for trial at some date convenient to the Commissioner, at which time testimony may be taken on the question of the return of George W. Lynch after the promulgation of the Treaty of July 19, 1866. That we do not represent George Irens, Betty Hayes and Richard Here, and so far as the other cases are concerned they may be closed.

Mr. Hastings: The representative of the Cherokee Nation object to any continuance of the case of George W. Lynch for the reason that they have agreed that all of the descendants of Moses Hardrick and Jeff and Mahala Lyons would be consolidated in this case when it was gone into and the testimony has been taken without any reference being made to any separate case for George W. Lynch, and the applicants closed the taking of their testimony and the Cherokee nation has introduced testimony upon its side and the testimony of all parties have been introduced and now for the first time they ask for a continuance in this case. In fact no notice has been given of any witness they expected to testify in it. They have shown no diligence in the procurement of any witnesses, they have not given the name of any witness and do not say what they expect to prove by witnesses, and therefore the motion should not be granted.

Mr. Starr: Replying to this argument of the Attorney for the Cherokee nation we desire to call the attention of the Commission to our motion to reopen this consolidated case which shows the parties we represented at the time and we desire to state further that we never represented George W. Lynch until here a few days ago.

On Behalf of the Commissioner: The records of this office show that the motion made for the reopening of the consolidated cases of George Irons, et al., included the following applications for enrollment:

George Irons, et al.,	F R	36
Bettie Hayes,	F D	87
Richard Hero,	F D	1328
Ned Lyons,	F D	251
Rachel Landrum	F D	252
Elias Lyons,	F D	253
Altha Moore, et al.,	F D	357
George W. Lynch,	F D	731. .

Mr. Bixby, Commissioner: George W. Lynch is in this case.

Mr. Starr: George W. Lynch has a different status, he came from the south and the others come from the north.

Mr. Bixby, Commissioner: I know, but he was in this case.

Mr. Hastings: Yes sir.

Mr. Bixby, Commissioner: The Department's instructions seem to be explicit, I think we will have to deny the motion. The motion is denied.

-----000-----

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

*Geo. H. Lessley*

Subscribed and sworn to before me this 23<sup>rd</sup> day of July, 1906.

*B. P. Rasmus*  
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

17m

In the matter of the application for the enrollment of  
Moses Hardrick, et al., as Cherokee freedmen, consolidating  
the applications of-----

Moses Hardrick	Cherokee freedmen R-574
Silas Hardrick	Cherokee freedmen R-536
Sarah Bean	Cherokee freedmen R-543
Nelson Hardrick, et al.,	Cherokee freedmen R-557
William Hardrick, et al.,	Cherokee freedmen R-599
Eliza J. Hardrick, et al.,	Cherokee freedmen R-631
Mary Hardrick, et al.,	Cherokee freedmen R-579

George Irons, et al.,	Cherokee freedmen R- 36
Bettie Hayes	Cherokee freedmen D- 87
Richard Wero (Irons) et al.,	Cherokee freedmen D1328
Ned Lyons	Cherokee freedmen D-251
Rachel Landrum	Cherokee freedmen D-252
Eliza Lyons, et al.,	Cherokee freedmen D-253
Altha Moore, et al.,	Cherokee freedmen D-257
George W. Lynch, et al.,	Cherokee freedmen D-731.

DECISION

THE RECORD IN THIS CONSOLIDATED CASE SHOWS: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Moses Hardrick for himself; by Celia Hardrick for her husband Silas Hardrick; by Lewis Bean for his wife, Sarah Bean; by Mary Hardrick for her husband, Nelson Hardrick, and his minor children Malinda and LeRoy Hardrick; by William Hardrick for himself and minor children, Nabel and Leona Hardrick; by Eliza J. Hardrick for herself and minor children, Arthur, Ethel, Mattie and Claud Lynch; by Mary Hardrick for herself and minor children Ames, and Jackson Lenien; by Jannama Irons for her husband, George Irons, and his children Bertha and Bettie Irons and grand child, Elvora Wivens; by Bettie Hayes for herself; by Emmet Starr for Richard and Nellie Wero (or Irons); by Ned Lyons for himself; by Rachel Landrum for herself; by Eliza Lyons for herself and minor child Nelson J. Lyons; by Altha Moore for himself and brother, Oscar Moore and by George W. Lynch for himself and minor children Rosetta and Eliza Lynch.

The record further shows that on April 20, 1904, and April 18, 1906, the Commission to the Five Civilized Tribes rendered its decisions herein denying the above named applicants the right to enrollment as Cherokee Freedmen, that said decisions were duly forwarded to the Department for consideration, and that the former decision was affirmed by the Department on October 13, 1904 (I.T.D. 6968-1904); and that thereafter, to-wit, on April 5, 1906 (I.T.D. 5398-1906) and May 11, 1906 (I.T.D. 4467-1906) respectively; on motions of the applicants, the Department rescinded its decision of October 13, 1904, and remanded the records in this now consolidated case for further testimony and readjudication. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory on June 21, 22 and 23, 1906.

The record in this consolidated case shows that the above named applicants neither claim nor possess any rights to Cherokee freedmen citizenship other than as below indicated, to-wit: Moses, Eliza J. and Mary Hardrick, George Irons, Bettie Hayes and George W. Lynch by virtue of having complied with certain provisions of the Treaty of 1866; Silas Hardrick, Sarah Dean, Nelson and William Hardrick as descendants of the said Moses Hardrick and his former wife one Patient or Patience Hardrick, now deceased, Malinda and LeRoy Hardrick as descendants of the applicant Nelson Hardrick and his former wife one Minnie Hardrick, deceased; Mable and Leona Hardrick as descendants of the applicant William Hardrick; Arthur, Mattie and Claud Lynch as descendants of the applicant Eliza J. Hardrick and one Charlie Lynch and Ethel Lynch as a descendant of the said applicant Eliza J. Hardrick and one John Moss, deceased; Amos and Jackson Lenien as descendants of the applicant Mary Hardrick and one Mose Lenien; Bertha and Bettie Irons as descendants of the applicant, George Irons and one Winnie Irons nee Lyons, deceased; Minerva Nivens as the descendant of Bertha Irons and Harrison Nivens; Ned Lyons, Rachel Landrum and Elias Lyons as descendants of Jefferson and Mahala Lyons, both deceased; Nelson J. Lyons as the descendant of the applicant Elias Lyons, Altha and Oscar Moore as the descendants of one Mike Moore, deceased; and Rosetta and Eliza Lynch as the descendants of the applicant George W. Lynch.

A reexamination of the records in this now consolidated case made prior to the rendition of the decisions heretofore referred to, convinces this office that the findings therein are eminently correct. Hence, if said decisions are to be reversed it must be upon the evidence submitted since said records were returned to this office for readjudication.

Since this case was remanded twenty-two witnesses have been introduced by the parties hereto, all of whom testified from unaided memory alone to events that necessarily must have happened thirty-eight or forty years before. For reasons most obvious such testimony can give but little aid in determining whether or not material facts at issue herein occurred on or prior to February 11, 1867, or subsequent thereto.

For reasons below stated this office is of the opinion



(3)

that the respective rights of the parties hereto can be properly adjudicated without attempting to reconcile the conflicting statements of the many witnesses introduced herein or determine which array of witnesses is entitled to the greater credit.

Subsequent to the rendition of the latter of the two decisions herein before referred to there came into the possession of this office a roll of the Cherokee people made from a census taken in 1867.

This roll was made under authority of Section 12, Treaty of 1866, for the purpose of ascertaining the number of Cherokee citizens in order that the representation of the Cherokee Nation in the General Council provided for by said Treaty might be properly apportioned.

Section 12 of said Treaty reads in part as follows:

"After the ratification of this Treaty, and as soon as may be deemed practicable by the Secretary of the Interior, and prior to the first session of said council, a census or enumeration of each tribe lawfully resident in said (Indian) Territory shall be taken under the direction of the Commissioner of Indian Affairs, who, for that purpose, is hereby authorized to designate and appoint competent persons, whose compensation shall be fixed by the Secretary of the Interior and paid by the United States."

Under authority of this provision the Commissioner of Indian Affairs appointed one W. Tompkins to take the census of the Cherokee Tribe. In taking this census Mr. Tompkins followed the political divisions of the Cherokee Nation. The roll made from this census is contained in four substantial, well preserved volumes, the names of the Cherokee citizens, at that time, appearing in their respective districts, said districts being divided in four volumes, as follows, to-wit;

Going Snake and Delaware Districts	Volume 1,
Tahlequah and Saline Districts	Volume 2,
Canadian and Delaware Districts	Volume 3,
Flint, Sequoyah and Koo-wee-kee-wee Districts,	Volume 4.

The citizens of the Cherokee Nation were classified by the census taker under four heads, namely: Indians, Whites, Halfbreeds and Colored. In his recapitulation of the census taken Mr. Tompkins found there were 13566, Cherokee citizens residing in their nation divided under the foregoing heads, as follows: Indians 9888, Whites 47, Halfbreeds 2680, and Colored 1251.

The certificate of the census taker is found on the last page of volume four and reads as follows; to-wit:

"I certify that the foregoing is a true and correct census or enumeration of the Cherokee Indians residing in their Nation:— taken in obedience to your appointment per telegram dated June 10, 1867, and instructions dated July 1, 1867, and in accordance with

the provisions of Article 12th, Section 1st of a Treaty made with the Cherokee Nation dated July 19, 1866.

W. Tompkins,  
Special U. S. Commissioner to take Census of  
Cherokee Indians."

This roll is considered reliable for the reason that the census from which it was made was taken by disinterested parties and for a purpose that makes it highly improbable that any reason existed for placing on said roll the name of any person not entitled, or excluding therefrom the name of any one entitled to citizenship in the Cherokee Nation. The question as to whether or not those claiming under Article 9 of the Treaty of 1866 had complied with the provisions thereof was, at that time, easily determined, especially so as to the date of return, inasmuch as this census was taken only a few months after the time limited by said Article 9 of the Treaty for the return of Cherokee freedmen, had expired.

An examination of the roll fails to show the names of any of the above named applicants, or of any of the aforementioned deceased ancestors, enumerated thereon.

In connection with the taking of the census above referred to attention is invited to page 9 of the record herein, wherein will be found the following questions and answers, to-wit:

- " Q How does the fact that the grass was up connect with, in your mind, with Moses Hardrick's return? A I tell you about my recollection of it being in the Spring of '67; Moses Hardrick, Andy Fry and my stepfather and Arch Landrum, uncle Ruben Downing, they all of them went to Lucy Hilderbrands in the Spring of '67 to a census taker.
- Q To a census taker? A Yes sir to a census taker; that was in '67.
- Q What month was that? A That was about June or July as well as I remember.
- Q They took census in '67 did they? A I reckon they did that's what they said; they all went off I couldn't say what they did."

Of the persons named by this witness only one, Arch Landrum, can be identified on the roll of 1867. The testimony of this witness is considered as evidence practically conclusive that the applicant, Moses Hardrick, was not overlooked by the census taker in 1867. Hence, the failure of his name to appear upon said roll must be due to the fact that in 1867 it was considered that he was not a citizen of the Cherokee Nation.

The Daniels Court in 1871, found that the applicant, Moses Hardrick and his family, and the said Jefferson Lyons, deceased, and his family, returned to the Cherokee Nation too late to entitle them to citizenship under the Treaty of 1866. This Court also found that Thomas Moore and family, whom it is alleged returned with the Hardrick and Lyons families, came too late. In the case of Butler McBair,

(5)

however,, who, it is testified, was also a member of this Company, it is found that he returned within the time provided by said Treaty.

The Chambers Court in an opinion rendered on August 9, 1878 held that the applicant, Moses Hardrick (Hardwicke), did not return to the Cherokee Nation after the rebellion within the time limited by the provisions of Article 9 of the Treaty of 1866. A certified copy of said opinion is made a part of the record herein (331-332).

On June 24, 1904, there was filed with this office an affidavit showing the death of the applicant, Malinda Hardrick, on July 31, 1902.

Excepting the Wallace & Kern-Clifton rolls, none of the applicants herein, nor any ancestors through whom by any possibility they might obtain rights to Cherokee freedmen citizenship can be identified on any Cherokee roll in the custody of this office.

**FINDINGS OF FACT AND CONCLUSION:** It is considered that the evidence in this case shows that neither the applicants, Moses, Eliza J. and Mary Hardrick, George Irons, Bettie Mayes and George W. Lynch, nor the deceased ancestors hereinbefore named, returned to the Cherokee Nation after the rebellion within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, Trustee, etc. vs the Cherokee Nation, et al., for the return of freedmen to said Nation; and that all the applicants herein, except those last above named, were born since the close of the rebellion and obtain no rights to Cherokee Freedmen citizenship through their ancestors.

**IT IS, THEREFORE, ORDERED AND ADJUDGED:** That for the additional reasons set out herein the former decisions of the Commission to the Five Civilized Tribes in this case should be affirmed, and that under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and Section 3 of the Act of Congress approved April 26, 1906 (34 Stats., 137), Moses Hardrick; Elias Hardrick; Sarah Bush; Nelson Hardrick; LeRoy Hardrick; William Hardrick; Mabel Hardrick; Leona Hardrick; Eliza J. Hardrick; Arthur Lynch; Ethel Lynch; Mattie Lynch; Claud Lynch; Mary Hardrick; Amos Lonien; Jackson Lonien; George Irons; Bertha Irons; Bettie Irons; Elnora Wivens; Bettie Mayes; Richard Nero; Mattie Nero; Ned Lyons; Rachel Landrum; Elias Lyons; Nelson J. Lyons; Altha Moore; Oscar Moore; George W. Lynch; Rosetta Lynch and Eliza Lynch are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied. And that under the provisions of Section 25 of the Act of Congress (Cherokee Agreement) approved July 1, 1902 (32 Stats., 716), the application for the enrollment of Malinda Hardrick should be, and the same is hereby dismissed.

SIGNED *Tams Bixby.*  
Commissioner.

Dated at Muskogee, Indian Territory

This FEB 13 1907

# **NOTICE.**

## **Cherokee - Freedmen - Enrollment.**

The Commission to the Five Civilized Tribes will continue in session at

### **MUSKOGEE, IND. TER.,**

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Bettie Hayes,

Ft. Gibson, I.T.

Cherokee F-D-87

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

WM O BEALL,  
Secretary

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING  
Cherokee Freedmen

D-87.

Muskogee, Indian Territory, April 18, 1905.

Bettie Mayes,

Fort Gibson, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record ~~of~~ proceedings had in the matter of the application for your enrollment as a Cherokee freedman, together with a copy of the Commission's decision rejecting, among others, your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-91  
Register

Chairman.



COPY.

Cherokee Freedmen

H-36, et al.

Muskogee, Indian Territory, April 13, 1906.

Bell, Hastings & Davenport,  
Attorneys for the Cherokee Nation,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 13, 1906, reflecting the applications for the enrollment of George, Bertha and Bettie Irons, Minor Rivers, Bettie Maxon, Richard and Mollie Vero, Ned, Eliza and Joseph J. Lyons, Rachel Landrum, Altha and Oscar Moore, George L., Rosetta and Eliza Lynch, as Cherokee freedmen.

The decision, together with the record or proceedings had in the case, has this day been submitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be well known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 4-101

SIGNED

*Tams Bixby.*  
Chairman.

COPY.

Charles Freeman  
B-26, et al.

Washington, Indian Territory, April 14, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of George Irene, et al., including the Commission's decision dated April 14, 1904, respecting the applications for the enrollment of George, Sarah and Dottie Irene, Elmore Nivens, Mattie Mayne, Richard and Willie Warr, Sam, Elias and Wilson S. Lyons, Rachel Landrum, Altha and Susan Warr, George V., Mattie and Alice Lynch, as Charles Freeman.

Respectfully,

Respectfully,  
*Tamm Dixby.*  
Chairman.

Incl. 6-126.

Through the

Commissioner of Indian Affairs.

( C O P Y )

LAND  
30879-1906

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. July 3, 1906

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 18, 1906, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Jemanna Irons for her husband, George Irons, her step-children, Bertha and Bettie Irons, and her step-grandchild, Elnora Nivens; by Bettie Mayes for herself; by Emmet Starr for Richard and Mollie Nero (or Irons); by Ned Lyons for himself; by Rachel Landrum for herself; by Elias Lyons for himself and his minor child, Nelson J. Lyons; by Altha Moore for himself and brother Oscar Moore, and by George W. Lynch for himself and his minor children, Rosetta and Eliza Lynch.

April 18, 1906, the Commission decided adversely to all the applicants.

The record shows that the applicants George Irons, Bettie Mayes and Richard and Mollie Nero (or Irons) are all the children of one Nero Irons, deceased; that the applicants, George Irons and Bettie Mayes were slaves of Cherokee citizens at the beginning of the war of the rebellion, were taken out of the Cherokee Nation

Nation during the war and did not return thereto on or before February 11, 1867; and that the applicants, Richard and Nellie Wero (or Irons) are included in a partial list of Creek Freedmen approved by the Department March 13, 1902, at Nos. 2173 and 2238 respectively, and have accepted their allotments of lands in the Creek Nation. The minor applicants, Bertha and Bettie Irons, are children of the applicant, George Irons, and Minnie Irons, born Lyons, deceased, were born since 1860 and possess no rights to enrollment other than as descendants of their parents; that Minnie Irons, deceased, was born since 1866 and was the daughter of Jeff and Mahala Lyons, both deceased; that Jeff and Mahala Lyons were the slaves of Cherokee citizens at the beginning of the war, were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867. The minor applicant, Elvora Wivens, is an illegitimate child of Bertha Irons and after ample opportunity it has not been established that she possesses any rights to enrollment other than as a descendant of her mother.

The record further shows that the applicants, Ned Lyons, Rachel Landrum and Elias Lyons are children of Jeff and Mahala Lyons, deceased, were born since the beginning of the war, and possess no rights to enrollment other than as descendants of their parents. The minor applicant, Nelson J. Lyons, is a child of Elias Lyons and one Martha Lyons, was born since 1860 and possesses no rights to enrollment other than as their descendant.

-5-

On May 28, 1904, the Department approved the rejection of the Cherokee Freedman case of Martha Lyons (I.T.D. 4226-1904)

The evidence further shows that the minor applicants Altha and Oscar Moore, are the children of one Mike Moore, deceased, were born since 1880, and possess no rights to enrollment other than as descendants of their said father; that Mike Moore was the slave of a Cherokee citizen at the beginning of the war was taken from the Cherokee Nation during the war and did not return thereto on or before February 11, 1867.

The evidence further shows that the applicant, George W. Lynch, (son of Mahala Lyons), was the slave of a Cherokee citizen at the beginning of the war, was taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867. The minor applicants, Rosetta and Eliza Lynch, are the children of the applicant, George W. Lynch, were born since 1880 and possess no rights to enrollment other than as descendants of their father.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

M.M.M.

C. P. Larrabee  
Acting Commissioner

W



( C O P Y )

D.C. 18899-1906

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

JSVr.  
LLB

I.T.D. 8058, 8603, 8741-1906  
1867, 1895, 4667-1906.

I R 8

May 11, 1906

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On April 18, 1905, the Commission to the Five Civilized Tribes transmitted the record in the consolidated case of George Irons, et al., including its decision of the same date, rejecting the applications for the enrollment of George, Bertha, and Bettie Irons; Elnera Wivens; Bettie Hayes; Richard and Mollie Wero; Ned, Elias, and Nelson J. Lyons; Rachel Landrum; Altha and Oscar Moore, and George W., Rosetta, and Eliza Lynch as Cherokee freedmen.

Reporting July 3, 1905, the Indian Office recommended that the decision of the Commission to the Five Civilized Tribes be approved. A copy of its letter is enclosed.

On September 7, 1905, the attorneys for the applicants filed a motion for a review of the Commission's decision relative to George Irons et al. On the same date they also filed a motion for a review of the decision relative to Elias Lyons et al.

Under date of February 15, 1906, the attorneys for the applicants filed a motion for a new trial in the cases of Altha

and Oscar Moore, and on February 16, 1906, also filed a motion for a new trial in the case of George Irons, et al.

The motions for review filed September 7, 1905, are hereby dismissed.

A consideration of the motions for a new trial, together with the record, shows a sufficient reason for a review and rejudication of the consolidated case. You are therefore directed to reopen the case and permit the applicants and the attorneys for the nation to offer such testimony as they may desire to submit relative to the time of the return to the Cherokee nation of George Irons, Jeff and Mahala Lyons, and Mike Moore, and also as to whether they have been slaves of Cherokee citizens. You will also fully advise all parties in interest of the points in issue.

Under date of April 27, 1906, the attorneys for the applicants forwarded a request to the Department that in the event of favorable action upon the motions for review in this case, it be considered with the case of Moses Hardrick et al., which was remanded to you for rehearing on April 6, 1906, as the principal ancestors in both cases are alleged to have returned from Kansas in the same party, and the testimony in both cases being practically the same, the applicants, who are poor people, would avoid great expense.

-3-

In the absence of further material objections, you will grant said request.

The record, together with the motions, are returned herewith

Respectfully,

4 inclosures

JESSE E. WILSON  
Assistant secretary

-Copy-

J.F. Jr.

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

D.C.20043.  
I.T.D.8056-1906.  
L.R.S.

May 16, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:-

On May 10, 1906, the Indian Office transmitted to the Department a letter from the attorneys for the Cherokee Nation dated February 24, 1906, forwarding brief in the Cherokee freedman enrollment case of George Irons et al.

The records of the Department show that on May 11, 1906, the consolidated Cherokee Freedman case of George Irons et al. was remanded to you for a rehearing. In view of this action, the communication from the attorneys, together with said brief, is transmitted to be filed with the papers in said case.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

2 inclosures.

D.C.19488.

May 19, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Dear Sir:-

We are in receipt of a letter from our Washington D C associates advising us that the Honorable Secretary of the Interior has granted a motion for rehearing in the following consolidated Cherokee Freedmen enrollment cases:

George Irons et al F. R. 36  
Bettie Mayes----- F. D. 87  
Richard Nero (or Irons) F D 1328  
Ned Lyons F D 251  
Rachel Landrum F D 252  
Elias Lyons et al F D 253  
Altha Moore et al F D 357  
George W. Lynch et al F D 731.

We have neglected to advise you that since Mr. Bulger retired from our firm that under our agreement with him we are to try this case and we therefore request that you enter our firm as Attorneys for these applicants.

We recently wrote the Department that we would like to have this case sent back for rehearing as early as possible in order to try it in connection with the Hardrick cases advising the Department that Moses Hardrick, Jeff Lyons, Mahala Lyons, Mike Moore, Thomas Moore and Butler McNair all left South Iola Kansas in the summer or early fall of 1866 and came to the



-2-

Cherokee Nation in the same crowd and at the same time.

You are therefore earnestly requested to set these cases for the same date as the Moses Hardrick et al cases and the same witnesses submitted by us in the Hardrick cases may be considered as our witnesses submitted to you for the trial of the above described cases.

We are ready for the trial of these cases and would be glad to have an early hearing and would like to have these cases tried at Vinita, a motion to that effect being now pending in your office in the Hardrick cases.

Respectfully,

Starr & Patton

Attorneys for applicants.

Cherokee Freedmen  
R 36 et al.

Muskogee, Indian Territory, May 24, 1906

Well, Hastings & Davenport,

Attorneys for Cherokee Nation.

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of May 11, 1906, referring to the decision of the Commission to the Five Civilized Tribes dated April 18, 1905, rejecting the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated cases of George Irons, et al., and advising that on September 7, 1905, attorneys for applicants filed a motion for review of the Commission's decision relative to George Irons et al.; that on the same date they filed a motion for review of the decision relative to Elias Lyons, et al.; that on February 15, 1906 the attorneys filed a motion for a new trial in the cases of Altha and Caesar Moore, and that on February 16, 1906, they filed a motion for a new trial in the cases of George Irons, et al.

The motions for review filed September 7, 1905, were dismissed by the Department, and sufficient reason being shown

to the Department a rehearing is ordered in the case to "permit the applicants and the attorneys for the Nation to offer such testimony as they may desire to submit relative to the time of the return to the Cherokee Nation of George Irens, Jeff and Mahala Irens and Mike Moore, and also as to whether they have been slaves of Cherokee citizens."

The Department further states that on April 26, 1906, attorneys for applicants forwarded a request that in the event of favorable action upon the motion for review in the Irens case, it be considered with the case of Moses Hardrick, et al., which was remanded to this office for rehearing April 5, 1906. The Department directs this office "in the absence of further material objections you will grant said request."

You are therefore notified that these cases will be taken up for hearing at the General Offices of the Commissioner at Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, June 21, 1906. There appears to be no objection to the Irens cases being consolidated with the Hardrick cases.

In a letter dated May 19, 1906, from Starr and Patten, attorneys for applicants, they advise that it is claimed that the principal applicants in each of these cases, and their ancestors, returned to the Cherokee Nation at the same time. In their letter of May 16, 1906, they advise the names and addresses of witnesses which they propose to introduce in the Hardrick cases, of which you are advised in a separate letter of even date. The attorneys for

the applicants have this day been notified that they will be permitted to appear before the offices of the Commissioner on the above date and introduce in both these consolidated cases the testimony of the witnesses named in their letter of May 16. They have been also notified that if they desire to introduce in the Irons cases testimony of any witnesses in addition to those named in their letter of May 16, they will be required to advise this office in sufficient time to give you at least two full weeks notice of the additional witnesses proposed to be introduced. The Cherokee Nation will also be permitted to appear on the above date and introduce in rebuttal such testimony as it desires in this case.

There is enclosed a copy of Departmental letter referred to.

Respectfully,

Acting Commissioner.

LMB

Cherokee Freedmen  
B 20

Mustagee, Indian Territory, May 24, 1906.

Start and Totten,

Attorneys for George Irons, et al.

Visita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of May 11, 1906, referring to the decision of the Commission to the Five Civilized Tribes dated April 18, 1905, rejecting the applications for the enrollment of the applicants embraced in the Cherokee Freedmen consolidated cases of George Irons, et al., and advising that on September 7, 1905, attorneys for applicants filed a motion for review of the Commission's decision relative to George Irons et al., that on the same date they filed a motion for review of the decision relative to Miss Irons, et al.; that on February 13, 1906, the attorneys filed a motion for a new trial in the cases of Altha and Oscar Moore, and that on February 13, 1906, they filed a motion for a new trial in the cases of George Irons, et al.

The motions for review filed September 7, 1905, were dismissed by the Department, and sufficient reasons being shown to the Department, a rehearing is ordered in the case to permit the applicants and the attorneys for the Nation to offer such



-2-

testimony as they may desire to submit, relative to the time of the return to the Cherokee Nation of George Irene, Jeff and Mahala Irene and Mike Moore, and also as to whether they have been slaves of Cherokee citizens.

The Department further states that on April 26, 1906, attorneys for applicants forwarded a request that in the event of favorable action upon the motion for review in the Irene case, it be considered with the case of Moses Hardrick, et al., which was remanded to this office for rehearing April 6, 1906. The Department directs this office "in the absence of further material objections you will grant said request".

You are therefore hereby notified that on Thursday, June 21, 1906, at nine o'clock A.M., this case will be taken up for hearing at the General Office of the Commissioner at Muskogee, Indian Territory. There appears to be no objection to this case being consolidated with those of Moses Hardrick, et al., and in your letter of May 19, 1906, it is stated that the ancestors through whom the principal applicants in both cases claim Cherokee freedmen citizenship, returned to the Cherokee Nation at the same time.

In your letter of May 14, 1906, you advise the names and addresses of the witnesses you propose to introduce in the Hardrick case, and you are advised that you will be permitted to introduce the testimony of the witnesses named by you, in the Irene cases, if you so desire. If it is your desire to introduce in the

-2-

From your witnesses other than those mentioned by you in your letter of May 24, you will be required to furnish this office the names and addresses of the additional witnesses proposed to be introduced, in sufficient time to enable this office to give the attorneys for the Cherokee Nation at least two full weeks notice of such additional witnesses.

The Cherokee Nation will be permitted to appear on the above date and introduce in rebuttal, such witnesses as it desires in these cases.

For your information a copy of Departmental letter referred to is enclosed herewith.

Respectfully,

Acting Commissioner.

LMH

Enc. 3 74

Cherokee Freedmen  
D 87

Muskogee, Indian Territory, May 25, 1906

Bettie Hayes,

Fort Gibson, Indian Territory.

Dear Madam:

In connection with your Cherokee freedman enrollment case you are advised that this office is in receipt of Departmental letter of May 11, 1906, in which a motion filed by your attorneys September 7, 1905, for review of the decision of the Commission to the Five Civilized Tribes in your case, is denied. A motion filed with the Department February 16, 1906, for a new trial in your case is granted by the Department, and the record in the case returned to this office and a rehearing ordered to "permit the applicants and the attorneys for the Nation to offer such testimony as they may desire to submit relative to the time of the return to the Cherokee Nation of George Irons, Jeff and Mahala Lyons and Mike Moore, and also as to whether they have been slaves of Cherokee citizens."

The department states that on April 27, 1906, the attorneys for the applicants in the cases with which your application was consolidated, requested, in the event of

Bettie Hayes--3

favorable action upon the motion filed in the case, that they be considered with the cases of Moses Wardrick, et al., which were remanded to this office for rehearing April 8, 1906. The department directs this office that "in the absence of further material objections, you will grant said request."

You are therefore hereby notified that your attorneys, Starr & Patten, Vinita, Indian Territory, have this day been notified that they will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, June 21, 1906, and introduce in your case the testimony of the witnesses mentioned in their letter to this office of May 16, 1906, in reference to the cases of Moses Wardrick, et al. There appears to be no objection to the request of your attorneys that your case be consolidated with those of Moses Wardrick, et al., and the attorneys have been so advised.

Respectfully,

IAS

Acting Commissioner

( 8 0 7 1 )

Wichita, Kan. May 20, 1906

The Honorable,

The Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment  
of George Lewis et al. as Cherokee Indians, we desire to in-  
form you that we have elicited the following witnesses on  
the part of the applicants and we are ready to have their  
pleading before the honorable Commissioner at the time this  
case is set for rehearing.

Calvin Dean, . . . . .	Iola, Kansas.
Klimbeth Thomas, . . . . .	Iola, Kansas.
John G. Thomas, . . . . .	Iola, Kansas.
Mrs. Sarah Bird, . . . . .	J.P. & S. Langston, Kansas.
Phelix Lawrence, . . . . .	J.P. & S. Howard, Kansas.
James Crispy, . . . . .	Wagon, Kansas.
Jack Morris Sr., . . . . .	Iola, Kansas.
John Walters, -- Thalia Mound granite Works, Independence, Kansas.	
Mrs. Maggie Harville, . . . . .	Iola, Kansas.
Andy Fry, . . . . .	Ketchum, Kan.
Willie Fry, . . . . .	Ketchum, Kan.
Reblias Dean, . . . . .	Ketchum, Kan.
Leander Dean, . . . . .	Ketchum, Kan.
Thomas M. Moore, . . . . .	Ketchum, Kan.
Ben Moore, . . . . .	Ketchum, Kan.
Orville Lynch, . . . . .	Ketchum, Kan.
Simon Lynch, . . . . .	Ketchum, Kan.
E. J. Thompson, . . . . .	Vinita, Kan.
Arthur Dean, . . . . .	Ketchum, Kan.
Joe Davis, . . . . .	Vinita, Kan.
Ben Downing, . . . . .	Catala, Kan.
Jennie Downing, . . . . .	Catala, Kan.
Daniel Sanders, . . . . .	Catala, Kan.
Joseph Dean, . . . . .	Shaffee, Kan.

We will also recall Nelson Moore, witness for the Cherokee  
Nation, for further cross examination.

Respectfully,

Starr & Patton  
Attorneys for applicants



freedom  
54

Malaga, Indian Territory, June 4, 1906

Stear and Fulton,  
Attorneys for George Irwin, et al.  
Vinita, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of  
May 30, 1906, advising the names and addresses of the wit-  
nesses you propose to introduce in the Charlotte Freeman  
enrollment case of George Irwin, et al.

Respectfully,

Yours

Commissioner

Sherokee Freedmen  
R 24

Mustang, Indian Territory, June 4, 1906

Bell, Hastings & Beverett,  
Attorneys for Cherokee Nation,  
Mustang, Indian Territory

Gentlemen:

You are advised that this office is in receipt of letter from Starr and Nation, attorneys for applicants in the Cherokee Freedmen enrollment case of George Evans, et al., advising that they will introduce the testimony of the following witnesses on behalf of the applicants:

Calvin Ross, . . . . .	Iola, Kansas
Elizabeth Thomas, . . . . .	"
John G. Thomas, . . . . .	"
Mrs. Sarah Bird, . . . . .	R.F.D. #8, Longton, Kansas
Phelix Lawrence, . . . . .	R.F.D. #8, Howard, Kansas
James Cristy, . . . . .	Geneva, Kansas
Jack Morris, Jr., . . . . .	Iola, Kansas
John Valters, . . . . .	Table Mound Cement Works, Independence
Mrs. Maggie Neville, . . . . .	Iola, Kansas
Andy Fry, . . . . .	Ketchum, I. T.
Hillie Fry, . . . . .	"
Tobias Dean, . . . . .	"
Leander Dean, . . . . .	"
Thomas H. Moore, . . . . .	"
Sam Harris, . . . . .	"

Bill, Hastings & Swanger

Arthur Lynch	Arthur, I.R.
Simon Lynch	Arthur, I.R.
T. F. Thompson	Arthur, I.R.
Arthur Dean	Arthur, I.R.
Joe Davis	Arthur, I.R.
Bob Downing	Arthur, I.R.
Jennie Downing	Arthur, I.R.
Daniel Sanders	Arthur, I.R.
Joseph Dean	Arthur, I.R.

call Nelson Moore, witness for the Cherokee Nation, for  
further cross examination.

Respectfully,

Bill

Commissioner

Sherokee  
F. R. 574 et al.

Washogee, Indian Territory, July 23, 1906.

V. V. Hastings,

Attorney for the Cherokee Nation,  
Washogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Washogee, Indian Territory, June 21, 22, and 23, 1906, in the matter of the applications for the enrollment of Moses Hardrick, et al., and George Irons, et al., as Cherokee Freedmen.

Respectfully,

Incl. GL-25.  
GHL

Commissioner.



Cherokee  
P. M. 5th et al.

Muskogee, Indian Territory, July 23, 1906.

Starr & Patton,

Attorneys for Moses Hardrick, et al.,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, June 21, 22, and 23, 1906, in the matter of the applications for the enrollment of Moses Hardrick, et al. and George Irons, et al., as Cherokee freedmen.

Respectfully,

Incl. 61-26.

CHL

Commissioner.



Charles F.

2 57

Lawton, Indian Territory, February 12, 1907.

Battle Mayes,

Fort Gibson, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting, among others, your application for enrollment as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. 22-23

HJG

Register.

Commissioner

Cherokee F.  
R 874 et al.

Muskogee, Indian Territory, February 13, 1907.

Starr & Patten,

Attorneys for Moses Hardrick, et al.,  
Vinita, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses Hardrick, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. RJ-38  
HJC

Commissioner.

Cherokee v.  
R 874 et al.

Muskogee, Indian Territory, February 13, 1907.

W.V. Hastings,

Attorney for the Cherokee Nation,  
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the five Civilized Tribes, dated February 12, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses Hardrick, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. HJ-58.  
HJC

Commissioner.

Madhagee, Indian Territory, February 13, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Moses Hardrick, et al., as Cherokee freedmen, together with the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick and rejecting the applications for the enrollment of Moses and Silas Hardrick, Sarah Dean, Nelson, Leahy, William, Mabel, Leona and Eliza J. Hardrick, Arthur, Ethel, Mattie, and Gland Lynch, Mary Hardrick, Anne, and Jackson Louisa, George, Martha and Bettie Irens, Minnie Hivens, Bettie Hayes, Richard and Nellie Hero, Ned Lyons, Rachel Landrum, Elias and Nelson J. Lyons, Altha and Oscar Moore, George W., Annetta and Eliza Lynch,





(COPY)

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

LAND.  
16327-1907  
19108- "

February 27, 1907.

(COPY)

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a communication from Commissioner Kirby, dated February 13, 1907, enclosing the record on the re-hearing of the application for the enrollment of Moses Hardrick, et al., as Cherokee freedman, together with his decision, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses and Silas Hardrick, Sarah Bean, Nelson Le Roy, William, Mable, Leona and Eliza J. Hardrick, Arthur, Ethel Mattie and Claud Lynch, Mary Hardrick, Amos and Jackson Lenien, George, Bertha, and Bettie Irons, Elvora Nivens, Bettie Hayes, Richard and Mollie New, Ned Lyons, Rachel Landrum, Elias and Nelson J. Lyons, Altha and Oscar Moore, George W., Rosetta and Eliza Lynch.

There was also filed in this Office on February 25, 1907, an appeal from the Commissioner's decision, together with brief and argument in support thereof, filed in the Office on February 25, 1907, by McGowan, Serren & Mohan, attorneys for the applicants.

The Office has examined the testimony taken at the re-hearing of this case, and is of the opinion that it supports the decision rendered by the Commissioner in this matter. It therefore respectfully recommends that the decision of the Commissioner, rejecting the above named applicants, be affirmed.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

WVE--ED

V.H.M.  
J.P.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

D.C.12639-1907.

SIR.

March 2, 1907.

F. T. D.

8494, 8712, 8714, 8716,  
8724, 8768, 8806, 8822,  
8824, 8864, 8890, 8892,  
8860, 8864, 8870, 8772,  
8880, 8910, 8916, 8924,  
8942, 8944, 8948, 8980,  
8984, 8988, 8970, 8972,  
8984, 8988, 8980, 8982,  
all 1907.

REPLY.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of your letter of transmittal.
Heose Hardrick, et al. (freedman),	February 15, 1907.
Alexander M. Anderson,	February 21, 1907.
William Patrick,	February 19, 1907.
Leona Arreta Kinsaid,	February 13, 1907.
Heose Worley Kitch, (freedman),	February 12, 1907.
James McDaniel,	February 8, 1907.
George W. Hill,	February 15, 1907.
Edna M. Ward, et al. (freedman),	February 12, 1907.
Mary B. Gohar,	February 8, 1907.
Charlotte M. Laughlin, et al.,	February 21, 1907.
Jessie Lee Ligon, et al.,	February 15, 1907.
Joseph Hansen,	February 14, 1907.
John Earl Redburn, et al.,	February 12, 1907.
Minnie L. Fosse, et al. (freedman),	February 12, 1907.
Clark B. Germany,	February 19, 1907.
George L. Freeman (freedman),	February 14, 1907.

Title of Case.	Date of your letter of transmittal.
Mary J. Graybeard,	February 8, 1907.
Sarah Huggs, et al.,	January 17, 1907.
Alveto Plannings, et al. (freedmen),	February 12, 1907.
Tyre Finley (freedman),	February 12, 1907.
Clarence Landrum, et al (freedmen),	February 12, 1907.
Minnie M. Jewell,	February 14, 1907.
B. H. Floweray,	February 14, 1907.
Sarah J. Martin,	February 2, 1907.
Elizabeth Salaman,	February 14, 1907.
Ronie Christine Sims,	February 2, 1907.
Ella Hill (freedman),	February 14, 1907.
Jane Langley,	February 14, 1907.
Frances Elizabeth Forbes,	February 6, 1907.
Isabelle J. Paris,	February 12, 1907.
Clarence Hill, et al. (freedmen),	February 9, 1907.
Mary Dean, et al. (freedmen),	February 12, 1907.
	January 12, 1907.

A copy heretof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

12 enclosures, and  
78 enclosures to Ind. Off.,  
with carbon heretof.

A. F. M.  
-1-07.

Cherokee F.  
D 87.

COPY

Muskogee, Indian Territory, March 22, 1907.

Bettie Mayes,

Fort Gibson, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting your application for enrollment, as a Cherokee freedman, was affirmed by the Secretary of the Interior, March 2, 1907.

Respectfully,

SIGNED *Wm Bixby*  
Commissioner.

LMC



Cherokee F.  
R 631.

COPY

Muskogee, Indian Territory, March 23, 1907.

Starr & Patton,

Attorney for Moses Hardwick, et al.,

Vinita, Indian Territory.

Dear Sirs:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of Moses Hardwick, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED *Tams Bixby*.

Commissioner.

Encl. C-49  
LMS

COPY

Cherokee F.  
R 874 et al.

Muskogee, Indian Territory, March 22, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of Moses Wardrick, et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

Encl. C-80  
LMC

# 117  
REGISTERED,

APR 25 1905

FT. GIBSON, IND. T.

REGISTERED,

APR 25 1905

FT. GIBSON, IND. T.

Bettie Mayes,

Fort Gibson, Indian Territory.

*Enfauula*



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

**END  
OF  
REEL**

